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# SUPPLEMENT

TO THE

## American Journal of International Law

VOLUME 12

1918

4

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OFFICIAL DOCUMENTS

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PUBLISHED FOR

THE AMERICAN SOCIETY OF INTERNATIONAL LAW

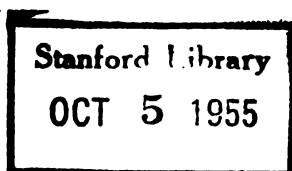
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OXFORD UNIVERSITY PRESS: 35 WEST 32D STREET, NEW YORK, U.S.A.

Agent for Great Britain: Oxford University Press, Amen Corner, London

Agent for Toronto, Melbourne and Bombay: Oxford University Press

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341.05-  
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### EXCHANGE OF NOTES BETWEEN THE UNITED STATES AND JAPAN CONCERNING THEIR MUTUAL INTEREST RELATING TO THE REPUBLIC OF CHINA <sup>1</sup>

*Signed November 2, 1917*

*The Secretary of State to the Ambassador Extraordinary and Plenipotentiary of Japan, on Special Mission*

DEPARTMENT OF STATE,  
*Washington, November 2, 1917.*

Excellency:

I have the honor to communicate herein my understanding of the agreement reached by us in our recent conversations touching the questions of mutual interest to our Governments relating to the Republic of China.

In order to silence mischievous reports that have from time to time been circulated, it is believed by us that a public announcement once more of the desires and intentions shared by our two Governments with regard to China is advisable.

The Governments of the United States and Japan recognize that territorial propinquity creates special relations between countries, and, consequently, the Government of the United States recognizes that Japan has special interests in China, particularly in the part to which her possessions are contiguous.

The territorial sovereignty of China, nevertheless, remains unimpaired and the Government of the United States has every confidence in the repeated assurances of the Imperial Japanese Government that while geographical position gives Japan such special interests they have no desire to discriminate against the trade of other nations or to disregard the commercial rights heretofore granted by China in treaties with other Powers.

The Governments of the United States and Japan deny that they have any purpose to infringe in any way the independence or terri-

<sup>1</sup> U. S. Treaty Series, No. 630.



territorial integrity of China and they declare, furthermore, that they always adhere to the principle of the so-called "Open Door" or equal opportunity for commerce and industry in China.

Moreover, they mutually declare that they are opposed to the acquisition by any Government of any special rights or privileges that would affect the independence or territorial integrity of China or that would deny to the subjects or citizens of any country the full enjoyment of equal opportunity in the commerce and industry of China.

I shall be glad to have Your Excellency confirm this understanding of the agreement reached by us.

Accept, Excellency, the renewed assurance of my highest consideration.

ROBERT LANSING.

His Excellency

Viscount KIKUJIRO ISHII,

*Ambassador Extraordinary and Plenipotentiary of Japan, on Special Mission.*

*The Ambassador Extraordinary and Plenipotentiary of Japan, on Special Mission, to the Secretary of State*

THE SPECIAL MISSION OF JAPAN,

*Washington, November 2, 1917.*

SIR: I have the honor to acknowledge the receipt of your note of to-day, communicating to me your understanding of the agreement reached by us in our recent conversations touching the questions of mutual interest to our Governments relating to the Republic of China.

I am happy to be able to confirm to you, under authorization of my Government, the understanding in question set forth in the following terms:

In order to silence mischievous reports that have from time to time been circulated, it is believed by us that a public announcement once more of the desires and intentions shared by our two Governments with regard to China is advisable.

The Governments of Japan and the United States recognize that territorial propinquity creates special relations between countries, and, consequently, the Government of the United States recognizes that Japan has special interests in China, particularly in the part to which her possessions are contiguous.

The territorial sovereignty of China, nevertheless, remains unimpaired and the Government of the United States has every confidence in the repeated assurances of the Imperial Japanese Government that while geographical position gives Japan such special interests they have no desire to discriminate against the trade of other nations or to disregard the commercial rights heretofore granted by China in treaties with other Powers.

The Governments of Japan and the United States deny that they have any purpose to infringe in any way the independence or territorial integrity of China and they declare, furthermore, that they always adhere to the principle of the so-called "Open Door" or equal opportunity for commerce and industry in China.

Moreover, they mutually declare that they are opposed to the acquisition by any government of any special rights or privileges that would affect the independence or territorial integrity of China or that would deny to the subjects or citizens of any country the full enjoyment of equal opportunity in the commerce and industry of China.

I take this opportunity to convey to you, Sir, the assurances of my highest consideration.

K. ISHII,  
*Ambassador Extraordinary and  
Plenipotentiary of Japan on Special Mission.*

Honorable ROBERT LANSING,  
*Secretary of State.*

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DECLARATION OF THE CHINESE GOVERNMENT CONCERNING NOTES EX-  
CHANGED BETWEEN JAPAN AND THE UNITED STATES ON NOVEMBER  
2, 1917<sup>1</sup>

*November 12, 1917*

The following declaration of the Chinese Government concerning the notes exchanged between the Governments of the United States and Japan, dated November 2, 1917, was handed to the Secretary of State by the Chinese Minister on November 12, 1917:

The Government of the United States and the Government of Japan have recently, in order to silence mischievous reports, effected an ex-

<sup>1</sup> *Official Bulletin*, November 14, 1917, p. 2.

change of notes at Washington concerning their desires and intentions with regard to China. Copies of the said notes have been communicated to the Chinese Government by the Japanese Minister at Peking, and the Chinese Government, in order to avoid misunderstanding, hastens to make the following declaration so as to make known the views of the government.

The principle adopted by the Chinese Government toward the friendly nations has always been one of justice and equality, and consequently the rights enjoyed by the friendly nations derived from the treaties have been consistently respected, and so even with the special relations between countries created by the fact of territorial contiguity, it is only in so far as they have already been provided for in her existing treaties. Hereafter the Chinese Government will still adhere to the principle hitherto adopted, and hereby it is again declared that the Chinese Government will not allow herself to be bound by any agreement entered into by other nations.

CHINESE LEGATION,

*November 12, 1917.*

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PROCLAMATION OF ADDITIONAL REGULATIONS PRESCRIBING THE  
CONDUCT OF ALIEN ENEMIES

No. 1408. November 16, 1917

WHEREAS the Congress of the United States in the exercise of the constitutional authority vested in them have resolved, by joint resolution of the Senate and House of Representatives bearing date of April 6th, 1917, "That the state of war between the United States and the Imperial German Government which has been thrust upon the United States is hereby formally declared";

WHEREAS it is provided by Section four thousand and sixty-seven of the Revised Statutes, as follows;

Whenever there is declared a war between the United States and any foreign nation or government, or any invasion or predatory incursion is perpetrated, attempted or threatened against the territory of the United States, by any foreign nation or government, and the President makes public proclamation of the event, all natives, citizens, denizens, or subjects of the hostile nation or government, being males of the age of fourteen years and upwards, who shall be within the United States, and not actually naturalized, shall be liable to be apprehended, restrained, secured, and removed, as alien enemies. The President is authorized, in any such event, by his proclamation thereof, or other public act, to direct the conduct to be

observed, on the part of the United States, toward the aliens who become so liable; the manner and degree of the restraint to which they shall be subject, and in what cases, and upon what security their residence shall be permitted, and to provide for the removal of those who, not being permitted to reside within the United States, refuse or neglect to depart therefrom; and to establish any other regulations which are found necessary in the premises and for the public safety;

WHEREAS, by Section four thousand and sixty-eight, four thousand and sixty-nine, and four thousand and seventy, of the Revised Statutes, further provision is made relative to alien enemies;

And WHEREAS, by a proclamation dated April 6th, 1917, I declared and established certain regulations prescribing the conduct of alien enemies;

Now, therefore, I, WOODROW WILSON, President of the United States of America, pursuant to the authority vested in me, hereby declare and establish the following regulations, additional and supplemental to those declared and established by said proclamation of April 6th, 1917, which additional and supplemental regulations I find necessary in the premises and for the public safety:

13. An alien enemy shall not approach or be found within one hundred yards of any canal; nor within one hundred yards of any wharf, pier or dock used directly by or by means of lighters by any vessel or vessels of over five hundred (500) tons gross engaged in foreign or domestic trade other than fishing; nor within one hundred yards of any warehouse, shed, elevator, railroad terminal or other terminal, storage or transfer facility adjacent to or operated in connection with any such wharf, pier or dock; and wherever the distance between any two of such wharves, piers or docks, measured along the shore line connecting them, is less than eight hundred and eighty yards, an alien enemy shall not approach or be found within one hundred yards of such shore line.

14. Whenever the Attorney General of the United States deems it to be necessary, for the public safety and the protection of transportation, to exclude alien enemies from the vicinity of any warehouse, elevator or railroad depot, yard or terminal which is not located within any prohibited area designated by this proclamation or the proclamation of April 6th, 1917, then an alien enemy shall not approach or be found within such distance of any such warehouse elevator, depot, yard or terminal as may be specified by the Attorney General by regulation duly made and declared by him; and the Attorney General is hereby authorized to fix, by regulations to be made and declared from time to time, the area surrounding any such warehouse, elevator, depot, yard or terminal from which he deems it necessary, for the public safety and the protection of transportation to exclude alien enemies.

15. An alien enemy shall not, except on public ferries, be found on any ocean, bay, river or other waters within three miles of the shore line of the United States or its territorial possessions; said shore line for the purpose of this proclamation being hereby defined as the line of sea coast and the shores of all waters of the United States and its territorial possessions connected with the high seas and navigable

by ocean going vessels; nor on any of the Great Lakes, their connecting waters or harbors, within the boundaries of the United States.

16. No alien enemy shall ascend into the air in any airplane, balloon, airship, or flying machine.

17. An alien enemy shall not enter or be found within the District of Columbia.

18. An alien enemy shall not enter or be found within the Panama Canal Zone.

19. All alien enemies are hereby required to register at such times and places and in such manner as may be fixed by the Attorney General of the United States and the Attorney General is hereby authorized and directed to provide, as speedily as may be practicable, for registration of all alien enemies and for the issuance of registration cards to alien enemies and to make and declare such rules and regulations as he may deem necessary for effecting such registration; and all alien enemies and all other persons are hereby required to comply with such rules and regulations; and the Attorney General in carrying out such registration, is hereby authorized to utilize such agents, agencies, officers and departments of the United States and of the several states, territories, dependencies and municipalities thereof and of the District of Columbia as he may select for the purpose, and all such agents, agencies, officers and departments are hereby granted full authority for all acts done by them in the execution of this regulation when acting by the direction of the Attorney General. After the date fixed by the Attorney General for such registration, an alien enemy shall not be found within the limits of the United States, its territories or possessions, without having his registration card on his person.

20. An alien enemy shall not change his place of abode or occupation or otherwise travel or move from place to place without full compliance with any such regulations as the Attorney General of the United States may, from time to time, make and declare; and the Attorney General is hereby authorized to make and declare, from time to time, such regulations concerning the movements of alien enemies as he may deem necessary in the premises and for the public safety, and to provide in such regulations for monthly, weekly or other periodical report by alien enemies to federal, state or local authorities; and all alien enemies shall report at the times and places and to the authorities specified in such regulations.

This proclamation and the regulations herein contained shall extend and apply to all land and water, continental or insular, in any way within the jurisdiction of the United States.

In Witness Whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE in the District of Columbia, this sixteenth day of November, in the year of our Lord one thousand nine  
[SEAL.] hundred and seventeen, and of the independence of the United States the one hundred and forty-second.

WOODROW WILSON.

By the President:

FRANK L. POLK,  
*Acting Secretary of State.*

EXECUTIVE ORDER DIRECTING TRANSMISSION OF LISTS OF INTERNED  
ALIEN ENEMIES THROUGH THE RED CROSS

No. 2616. May 9, 1917

WHEREAS Section 4 of the Red Cross Convention signed at Geneva, July 6, 1906, to which the United States is a party, provides:

Belligerents will keep each other mutually advised of internments and transfers, together with admissions to hospitals and deaths which occur among the sick and wounded in their hands. They will collect all objects of personal use, valuables, letters, etc., which are found upon the field of battle, or have been left by the sick or wounded who have died in sanitary formations, or other establishments, for transmission to persons in interest through the authorities of their own country (35 Stat. Pt. 2, 1885, 1891).

AND WHEREAS the Charter of the American Red Cross of January 5, 1905, in Section 3, paragraph 4, provides:

That the purposes of this corporation are and shall be Fourth. To act in matters of voluntary relief and in accord with the military and naval authorities as a medium of communication between the people of the United States of America and their Army and Navy, and to act in such matters between similar national societies of other governments through the "Comité International de Secours" and the Government and the people and the Army and Navy of the United States of America. (33 Stat. 600)

Now therefore, in order that the said Conventional provision shall be carried out in good faith by the United States, it is ordered that the Executive Departments of the United States shall furnish to such representative as may be designated by the American Red Cross lists of all alien enemies now interned in the United States, to the end that the said lists may be forwarded to the International Red Cross at Geneva, in pursuance of the said recited provision of the Charter of the American Red Cross.

WOODROW WILSON.

THE WHITE HOUSE,  
May 9, 1917.

ACT OF CONGRESS DEFINING THE STATUS OF AMERICAN CITIZENS WHO  
HAVE ENTERED THE MILITARY OR NAVAL SERVICES OF THE ALLIED  
COUNTRIES <sup>1</sup>

*Approved October 5, 1917*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That any person formerly an American citizen, who may be deemed to have expatriated himself under the provisions of the first paragraph of section two of the Act approved March second, nineteen hundred and seven, entitled "An Act in reference to the expatriation of citizens and their protection abroad," by taking, since August first, nineteen hundred and fourteen, an oath of allegiance to any foreign State engaged in war with a country with which the United States is at war, and who took such oath in order to be enabled to enlist in the armed forces of such foreign State, and who actually enlisted in such armed forces, and who has been or may be duly and honorably discharged from such armed forces, may, upon complying with the provisions of this Act, reassume and acquire the character and privileges of a citizen of the United States: *Provided, however,* That no obligation in the way of pensions or other grants because of service in the army or navy of any other country, or disabilities incident thereto, shall accrue to the United States.

Any such person who desires so to reacquire and reassume the character and privileges of a citizen of the United States shall, if abroad, present himself before a consular officer of the United States, or, if in the United States, before any court authorized by law to confer American citizenship upon aliens, shall offer satisfactory evidence that he comes within the terms of this Act, and shall take an oath declaring his allegiance to the United States and agreeing to support the Constitution thereof and abjuring and disclaiming allegiance to such foreign State and to every foreign prince, potentate, State, or sovereignty. The consular officer or court officer having jurisdiction shall thereupon issue in triplicate a certificate of American citizenship, giving one copy to the applicant, retaining one copy for his files, and forwarding one copy to the Secretary of Labor. Thereafter such person shall in all respects be deemed to have acquired the character

<sup>1</sup> Public No. 55, 65th Congress.

and privileges of a citizen of the United States. The Secretary of State and the Secretary of Labor shall jointly issue regulations for the proper administration of this Act.

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JOINT RESOLUTION DECLARING WAR BETWEEN AUSTRIA-HUNGARY  
AND THE UNITED STATES <sup>1</sup>

*Approved December 7, 1917*

Whereas the Imperial and Royal Austro-Hungarian Government has committed repeated acts of war against the Government and the people of the United States of America: Therefore be it

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That a state of war is hereby declared to exist between the United States of America and the Imperial and Royal Austro-Hungarian Government; and that the President be, and he is hereby, authorized and directed to employ the entire naval and military forces of the United States and the resources of the Government to carry on war against the Imperial and Royal Austro-Hungarian Government; and to bring the conflict to a successful termination all the resources of the country are hereby pledged by the Congress of the United States.

---

PROCLAMATION OF THE EXISTENCE OF WAR BETWEEN THE UNITED  
STATES AND THE AUSTRO-HUNGARIAN EMPIRE

No. 1417. December 11, 1917

WHEREAS the Congress of the United States in the exercise of the constitutional authority vested in them have resolved, by joint resolution of the Senate and House of Representatives bearing date of December 7th, 1917, as follows:

Whereas the Imperial and Royal Austro-Hungarian Government has committed repeated acts of war against the Government and the people of the United States of America: Therefore be it

RESOLVED by the Senate and House of Representatives of the United States of America in Congress assembled, That a state of war is hereby declared to exist between the United States of America and the Imperial and Royal Austro-Hungarian Government; and that the President be, and he is hereby, authorized and

<sup>1</sup> Public Resolution No. 17, 65th Congress.



directed to employ the entire naval and military forces of the United States and the resources of the Government to carry on war against the Imperial and Royal Austro-Hungarian Government; and to bring the conflict to a successful termination all the resources of the country are hereby pledged by the Congress of the United States.

WHEREAS, by Sections four thousand and sixty-seven, four thousand and sixty-eight, four thousand and sixty-nine, and four thousand and seventy, of the Revised Statutes, provision is made relative to natives, citizens, denizens, or subjects of a hostile nation or government, being males of the age of fourteen years and upwards, who shall be in the United States and not actually naturalized;

Now, therefore, I, WOODROW WILSON, President of the United States of America, do hereby proclaim to all whom it may concern, that a state of war exists between the United States and the Imperial and Royal Austro-Hungarian Government; and I do specially direct all officers, civil or military, of the United States that they exercise vigilance and zeal in the discharge of the duties incident to such a state of war; and I do, moreover, earnestly appeal to all American citizens that they, in loyal devotion to their country, dedicated from its foundation to the principles of liberty and justice, uphold the laws of the land, and give undivided and willing support to those measures which may be adopted by the constitutional authorities in prosecuting the war to a successful issue and in obtaining a secure and just peace;

And, acting under and by virtue of the authority vested in me by the Constitution of the United States and the aforesaid sections of the Revised Statutes, I do hereby further proclaim and direct that the conduct to be observed on the part of the United States towards all natives, citizens, denizens, or subjects of Austria-Hungary, being males of the age of fourteen years and upwards, who shall be within the United States and not actually naturalized, shall be as follows:

All natives, citizens, denizens, or subjects of Austria-Hungary, being males of fourteen years and upwards, who shall be within the United States and not actually naturalized, are enjoined to preserve the peace towards the United States and to refrain from crime against the public safety, and from violating the laws of the United States and of the States and Territories thereof, and to refrain from actual hostility or giving information, aid or comfort to the enemies of the United States, and to comply strictly with the regulations which are hereby or which may be from time to time promulgated by the Presi-

dent; and so long as they shall conduct themselves in accordance with law, they shall be undisturbed in the peaceful pursuit of their lives and occupations and be accorded the consideration due to all peaceful and law-abiding persons, except so far as restrictions may be necessary for their own protection and for the safety of the United States; and towards such of said persons as conduct themselves in accordance with law, all citizens of the United States are enjoined to preserve the peace and to treat them with all such friendliness as may be compatible with loyalty and allegiance to the United States.

And all natives, citizens, denizens, or subjects of Austria-Hungary, being males of the age of fourteen years and upwards, who shall be within the United States and not actually naturalized, who fail to conduct themselves as so enjoined, in addition to all other penalties prescribed by law, shall be liable to restraint, or to give security, or to remove and depart from the United States in the manner prescribed by sections four thousand and sixty-nine and four thousand and seventy of the Revised Statutes, and as prescribed in regulations duly promulgated by the President;

And pursuant to the authority vested in me, I hereby declare and establish the following regulations, which I find necessary in the premises and for the public safety:

- (1) No native, citizen, denizen or subject of Austria-Hungary, being a male of the age of fourteen years and upwards and not actually naturalized, shall depart from the United States until he shall have received such permit as the President shall prescribe, or except under order of a court, judge, or justice, under Sections 4069 and 4070 of the Revised Statutes;
- (2) No such person shall land in or enter the United States, except under such restrictions and at such places as the President may prescribe;
- (3) Every such person of whom there may be reasonable cause to believe that he is aiding or about to aid the enemy, or who may be at large to the danger of the public peace or safety, or who violates or attempts to violate, or of whom there is reasonable ground to believe that he is about to violate any regulation duly promulgated by the President, or any criminal law of the United States, or of the States or Territories thereof, will be subject to summary arrest by the United States Marshal, or his deputy, or such other officer as the President shall designate, and to confinement in such penitentiary, prison, jail, military camp, or other place of detention as may be directed by the President.

This proclamation and the regulations herein contained shall extend and apply to all land and water, continental or insular, in any way within the jurisdiction of the United States.

In Witness Whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE in the District of Columbia, this eleventh day of December, in the year of our Lord one thousand nine hundred [SEAL.] and seventeen, and of the independence of the United States the one hundred and forty-second.

WOODROW WILSON.

By the President:

ROBERT LANSING,  
*Secretary of State.*

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EXECUTIVE ORDER ESTABLISHING CENSORSHIP OF SUBMARINE CABLES,  
TELEGRAPH AND TELEPHONE LINES

No. 2604. April 28, 1917

WHEREAS, the existence of a state of war between the United States and the Imperial German Government makes it essential to the public safety that no communication of a character which would aid the enemy or its allies shall be had,

Therefore, by virtue of the power vested in me under the Constitution and by the Joint Resolution passed by Congress on April 6, 1917, declaring the existence of a state of war, it is ordered that all companies or other persons, owning, controlling or operating telegraph and telephone lines or submarine cables, are hereby prohibited from transmitting messages to points without the United States, and from delivering messages received from such points, except those permitted under rules and regulations to be established by the Secretary of War for telegraph and telephone lines, and by the Secretary of the Navy for submarine cables.

To these Departments, respectively, is delegated the duty of preparing and enforcing rules and regulations under this order to accomplish the purpose mentioned.

This order shall take effect from date.

WOODROW WILSON.

THE WHITE HOUSE,  
28 April, 1917.

## EXECUTIVE ORDER ESTABLISHING DEFENSIVE SEA AREAS

No. 2584. April 5, 1917

In accordance with the authority vested in me by section forty-four of the act entitled "An Act to codify, revise, and amend the penal laws of the United States," approved March fourth, nineteen hundred and nine, as amended by the act "Making appropriations for the naval service for the fiscal year ending June thirtieth, nineteen hundred and eighteen, and for other purposes," approved March fourth, nineteen hundred and seventeen, I, WOODROW WILSON, President of the United States of America, do order that defensive sea areas are hereby established, to be maintained until further notification, at the places and within the limits prescribed as follows, that is to say: —

*Mouth of Kennebec River:*

Outer Limit — Arc of circle with Pond Island Light as center, radius two (2) nautical miles.

Inner Limit — A line East and West (true) through Perkins Island Light.

*Portland:*

Outer Limit — Arc of circle center Portland Head Light, radius two (2) nautical miles.

Inner Limit — Line Portland Breakwater Light to west bastion Fort Gorges.

*Portsmouth:*

Outer Limit — Arc of circle with Whaleback Reef Light as center, radius two and one-half (2½) nautical miles.

Inner Limit — A line South (true) from southwest point of Clarks Island.

*Boston:*

Outer Limit — Line from Strawberry Point to Spouting Horn.

Inner Limit — Line west tangent Sheep Island to wharf on east side of Long Island.

Line from wharf west side Long Island to large wharf west side of Deer Island.

*New Bedford:*

Outer Limit — Arc of circle, center the east point of reef off Clark Point, radius distance to Dumping Rocks Lighthouse.

Inner Limit — Line between Butler Flats Light and Egg Island Beacon.

*Newport:*

Outer Limit — Arc of circle with Beaver Tail Light as center and radius of two (2) nautical miles.

Inner Limit — Fort Adams fog bell to north tangent of North Dumpling. East and West line through Plum Beach light.

*Long Island East:*

Outer Limit — Line joining Watch Hill and Montauk Point Lights.

Inner Limit — Line joining Plum Island Light and Mumford Point.

*New York East:*

Outer Limit — Line joining Execution Rocks Light and east tangent of Huckleberry Island.

Inner Limit — A line north (true) through Whitestone Point Light.

*New York Main Entrance:*

Outer Limit — Arc of circle center Romer Shoal Light, radius six (6) nautical miles.

Inner Limit — Line west (true) from flagpole on wharf at Fort Hamilton.

*Delaware River:*

Outer Limit — East and west line through north end of Reedy Island.

Inner Limit — East and west line through Finn's Neck Rear Range Light.

*Chesapeake Entrance:*

Outer Limit — Line parallel to that joining Cape Henry Light and Cape Charles Light and four (4) nautical miles to eastward thereof, and the lines from Cape Charles Light and from Cape Henry Light perpendicular to this line.

Inner Limit — Line parallel to line joining Cape Henry Light and Cape Charles Light and three (3) nautical miles to westward thereof.

*Baltimore:*

Outer Limit — Line from Persimmon Point to Love Point.

Inner Limit — Line joining Leading Point Range Light (Rear) and Sollers Point.

*Potomac:*

Outer Limit — Line from Marshall Hall wharf to south extremity of Ferry Point.

Inner Limit — Line from River View wharf drawn West (true).

*Hampton Roads:*

Outer Limit — Line from Back River Light to point one (1) nautical mile East (true) of Thimble Shoal Light; then South (true) to shore.

Inner Limit — Line tangent to end of wharf on west side of Old Point Comfort and Fort Wool.

*Wilmington — Cape Fear:*

Outer Limit — Oak Island Life Saving Station as center of arc, radius five (5) nautical miles.

Inner Limit — Line joining south end of Fort Caswell and Smith Island Range Beacon (Rear).

*Charleston:*

Outer Limit — Arc of circle with Fort Sumter Light as center, radius six (6) nautical miles.

Inner Limit — Line joining Charleston Light and Fort Sumter Light.

*Savannah:*

Outer Limit — Arc of circle with Tybee Island Light as center, radius ten (10) nautical miles.

Inner Limit — Line across channel through southeast end of Cockspar Island.

**Key West:**

Outer Limit — Arc or circle with Key West Light as center, radius seven (7) nautical miles.

Inner Limit — Line joining south tangent East Crawfish Key and south tangent of Fort Taylor.

**Tampa:**

Outer Limit — Arc of circle with Egmont Key Light as center, radius six (6) nautical miles.

Inner Limit — Line tangent to southwest point of Mullet Key and east tangent of Passage Key.

**Pensacola:**

Outer Limit — Arc of circle center Cut (Front) Range Light, radius six (6) nautical miles.

Inner Limit — South (true) from east corner of dock at Navy Yard old dry-dock slip.

**Mobile:**

Outer Limit — Arc of circle with Fort Morgan Light as center, radius six (6) nautical miles.

Inner Limit — Fort Gaines to Fort Morgan.

**Mississippi:**

Outer Limit — Lucas Canal.

Inner Limit — Bolivar Point.

**Galveston:**

Outer Limit — Arc of circle with Fort Point Light as center, radius five (5) nautical miles.

Inner Limit — Line joining Bolivar Point and Fort Point Lights.

**San Diego:**

Outer Limit — Arc of circle with Point Loma Light as center, radius two (2) nautical miles.

Inner Limit — Line joining Beacons Nos. 3 and 4.

**San Francisco:**

Outer Limit — Arc of circle with center at middle point of line joining Point Bonita Light and Rock at Cliff House, radius four (4) nautical miles.

Inner Limit — Line from Bluff Point to Point Campbell on Angel Island and line from Quarry Point on Angel Island to extreme western point on Goat Island; also line from extreme western point on Goat Island to North Point, San Francisco.

**Columbia River:**

Outer Limit — Arc of circle with center three (3) nautical miles south (true) from North Head Light, radius three (3) nautical miles.

Inner Limit — Line from wharf at Flavel Tansy Point at right angles to axis of channel.

**Port Orchard:**

Outer Limit — Arc of circle, center Orchard Rock Spindle, radius two (2) nautical miles.

Inner Limit — Line from Point White at right angles to axis of channel to opposite bank.

**Honolulu:**

Outer Limit — Arcs of circles centers Diamond Head Light and Honolulu Harbor Light, radii nine (9) nautical miles.

Inner Limit — Line across channel at No. 7 fixed light.

**Manila:**

Outer Limit — Line through Luzon Point and Fuego Point.

Inner Limit — Line through San Nicolas Shoal Light and Mt. Sungay.

The responsibility of the United States of America for any damage inflicted by force of arms with the object of detaining any person or vessel proceeding in contravention to Regulations duly promulgated in accordance with this Executive order shall cease from this date.

WOODROW WILSON.

THE WHITE HOUSE,  
5 April, 1917.

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REGULATIONS FOR CARRYING INTO EFFECT THE EXECUTIVE ORDER OF  
THE PRESIDENT ESTABLISHING DEFENSIVE SEA AREAS

WHEREAS, in accordance with section forty-four of the Act entitled "An Act to codify, revise and amend the penal laws of the United States," approved March fourth, nineteen hundred and nine, as amended by "An Act making appropriations for the Naval Service, for the fiscal year ending June thirtieth, nineteen hundred and eighteen, and for other purposes," approved March fourth, nineteen hundred and seventeen, Defensive Sea Areas have been established by my order of April 5, 1917.

Now, therefore, I, WOODROW WILSON, President of the United States of America, do hereby authorize and promulgate the following orders and regulations for the government of persons and vessels within the limits of Defensive Sea Areas; which orders and regulations are necessary for purposes of national defense.

I. In the neighborhood of each Defensive Sea Area, entrances have been designated for incoming and outgoing vessels, including, in the case of Areas across which more than one channel exists, an entrance for each channel. These entrances are described in Article X of these Regulations in conjunction with the Areas to which they respectively pertain.

II. A vessel desiring to cross a Defensive Sea Area shall proceed to the vicinity of the entrance to the proper channel, flying her national

colors, together with International Code number and pilot signal, and there await communication with the Harbor Entrance Patrol. It is expressly prohibited for any vessel to enter the limits of a Defensive Sea Area otherwise than at a designated entrance and after authorization by the Harbor Entrance Patrol.

III. Boats and other craft employed in the Harbor Entrance Patrol will be distinguished by the union jack, which will be shown from a position forward; they will also fly the usual naval pennant. At night, they may show a vertical hoist of three lights — white, red, and white, in the order named.

IV. On receiving permission from the Harbor Entrance Patrol to enter a Defensive Sea Area, a vessel must comply with all instructions as to pilotage and other matters that she may receive from proper authority, either before or during her passage across the Area; it is understood that only upon condition of such compliance is the said permission granted.

V. No permission will be granted to other than a public vessel of the United States to cross a Defensive Sea Area between sunset and sunrise, nor during the prevalence of weather conditions that render navigation difficult or dangerous. A vessel arriving off a Defensive Sea Area after sunset shall anchor or lie-to at a distance of at least a mile outside its limits until the following sunrise; vessels discovered near the limits of the Areas at night may be fired upon.

VI. No vessel shall be permitted to proceed within the limits of a Defensive Sea Area at a greater speed than five (5) knots per hour.

VII. All matters pertaining to fishery and the passage of small crafts within a Defensive Sea Area shall be regulated by the Senior Officer of the Harbor Entrance Patrol.

VIII. These Regulations are subject to modification by the Senior Officer of the Harbor Entrance Patrol when the public interest may require; and such notification as circumstances may permit will be issued regarding modifications thus made.

IX. Any master of a vessel or other person within the vicinity of a Defensive Sea Area who shall violate these Regulations, or shall fail to obey an order to stop or heave to, or shall perform any act threatening the efficiency of mine or other defenses or the safety of navigation, or shall take any action inimical to the interests of the United States in its prosecution of war, may be detained therein, by force of arms and renders himself liable to prosecution as provided



for in the Act to codify, revise and amend the penal laws of the United States, approved March 4, 1909, as amended by "the Act making appropriations for the Naval Service for the fiscal year ending June 30, 1918, and for other purposes," approved March 4, 1917.

X. The designated entrances to Defensive Sea Areas referred to in Article 1 of these Regulations shall be as follows:

Defensive Sea Area.	Designated Entrances for Incoming Vessels.	Designated Entrances for Outgoing Vessels.
Kennebec River, Maine.	Seguin Island Light bearing West (true) distant one (1) nautical mile.	In the channel between Perkins Island and Bald Head.
Portland, Maine.....	Portland Head Light bearing Northwest (true) distant two and one-half (2½) nautical miles.	In harbor north of Portland Breakwater Light.
Portsmouth, New Hampshire.	At a point one-half (½) nautical mile South (true) of Gunboat Shoal Buoy.	In the channel to the westward of Clark Island.
Boston, Massachusetts.	Boston Light Vessel.....	In President Roads west of a line drawn North and South (true), one-half (½) nautical mile west of Deer Island Light.
New Bedford, Massachusetts.	Dumpling Rocks Light bearing Northwest (true) distant one and one-half (1½) nautical miles.	In the channel west of Egg Island Beacon.
Newport, Rhode Island.	Beaver Tail Light bearing North (true) distant two and one-half (2½) nautical miles.	In the channel west of Goat Island. In the channel Northeast (true) of Plum Beach Light.
Long Island Sound, Eastern Entrance.	Watch Hill Light bearing Northwest (true) distant five (5) nautical miles.	Bartlett Reef Light Vessel.
Long Island Sound, West End.	Execution Rocks Light bearing Southwest (true) distant one (1) nautical mile.	In channel west of a line drawn North (true) from White-stone Light.

Defensive Sea Area.	Designated Entrances for Incoming Vessels.	Designated Entrances for Outgoing Vessels.
New York, Southern Entrance.	Sandy Hook Light bearing West (true) distant ten (10) nautical miles.	In Narrows north of a line drawn West (true) from flagpole on Fort Hamilton wharf.
Delaware River.....	In the channel below Reedy Island.	In the channel off Newcastle, Pennsylvania.
Chesapeake Bay Entrance.	Chesapeake Bay Main Ship Channel Entrance Buoy.	In the channel between buoys N2 and No. 3 Gas Buoy.
Baltimore, Md.....	At Buoy N2C, entrance to Craighill Channel.	In channel on line between Leading Point and Soller's Point.
Potomac River.....	In channel off Dague Creek...	In channel off River View.
Hampton Roads.....	In channel two (2) nautical miles to eastward and southward of Thimble Shoal Light.	In channel to Northwestward of entrance buoy of dredged channel, Elizabeth River.
Cape Fear, N. C.....	At a point four (4) nautical miles South-southwest (true) from Bell Buoy at entrance channel.	In channel near Beacon No. 2A, off Battery Island.
Charleston, South Carolina.	Charleston Light Ship.....	Lower anchorage to westward of North and South line (true) through Fort Sumter Light.
Tybee Roads, Savannah, Ga.	Four (4) nautical miles east of Whistling Buoy.	Quarantine anchorage.
Key West, Florida...	Sand Key Light bearing West-North-West (true) distant five (5) nautical miles.	In channel off fixed red beacon to North-North-Westward of Fort Taylor.
Tampa, Florida.....	Whistling Buoy, at entrance to dredged channel.	Off Quarantine Station.
Pensacola, Florida...	Pensacola Light bearing North-North-West (true) distant eight (8) nautical miles.	East corner of dock at Navy Yard bearing Northwest (true), distant one-half (½) nautical mile.

Defensive Sea Area.	Designated Entrances for Incoming Vessels.	Designated Entrances for Outgoing Vessels.
Mobile, Alabama....	Whistling Buoy at entrance bearing North (true) distant two (2) nautical miles.	Near Buoy C5.
Mississippi River....	South Pass Gas and Whistling Buoy.	Buras Church.
Galveston, Texas....	Lighted Buoy No. 1 off South Jetty, bearing West (true) distant two (2) nautical miles.	United States Quarantine Station.
San Diego, California.	Entrance Whistling Buoy.....	Between Beacons 5 and 6.
San Francisco, California.	San Francisco Lightship.....	Off Quarry Point, Angel Island; and off Light, Goat Island.
Columbia River.....	North Head Light bearing North-East (true) distant six (6) nautical miles.	In channel to eastward of Tansy Point.
Port Orchard, Washington.	In South to eastward of line joining Restoration Point and east end of Blake Island and one (1) nautical mile South (true) of Restoration Point.	To westward of Point White.
Honolulu, Hawaii....	Honolulu harbor light bearing North-North-East (true) distant ten (10) nautical miles.	In harbor north of Honolulu harbor lighthouse.
Manila, P. I.....	Peak of Corregidor Island bearing North-North-East (true) distant twelve (12) nautical miles.	San Nicolas Shoal Light bearing South (true) distant one (1) nautical mile.

The Secretary of the Navy will be charged with the publication and enforcement of these Regulations.

WOODROW WILSON.

THE WHITE HOUSE,  
5 April, 1917.

## EXECUTIVE ORDER ESTABLISHING ADDITIONAL DEFENSIVE SEA AREA

No. 2597. April 14, 1917

In accordance with the authority vested in me by section forty-four of the act entitled "An act to codify, revise, and amend the penal laws of the United States," approved March fourth, nineteen hundred and nine, as amended by the act "Making appropriations for the naval service for the fiscal year ending June thirtieth, nineteen hundred and eighteen, and for other purposes," approved March fourth, nineteen hundred and seventeen, I, WOODROW WILSON, President of the United States, do order that in addition to those defensive sea areas established by executive order under date of April fifth, nineteen hundred and seventeen, and subject to the same disclaimer of responsibility for damage inflicted as therein proclaimed, a defensive sea area is hereby established, to be maintained until further notification, at the place and within the limits described as follows; that is to say —

*York River:*

Outer limit. — Arc of circle with center at Tue Marshes Light, radius  $2\frac{3}{4}$  nautical miles, to line from North tangent Tue Point to Buoy S "11-H," thence line to Tue Point.

Inner limit. — A line from Sandy Point to end of wharf on Carmines Island.

And I do further order that the "Regulations for Carrying into Effect the Executive Order of the President Establishing Defensive Sea Areas," approved by me April fifth, nineteen hundred and seventeen, duly promulgated and published, are and shall be considered as of full effect and binding on all persons and vessels within the limits of the defensive sea area hereby established.

The designated entrances to the defensive sea area herein established shall be as follows:

Entrance for incoming vessels, at Buoy N "2A."

Entrance for outgoing vessels, at Buoy N 6.

WOODROW WILSON.

THE WHITE HOUSE,  
14 April, 1917.

**EXECUTIVE ORDER CORRECTING EXECUTIVE ORDER NO. 2692,  
ESTABLISHING DEFENSIVE SEA AREAS FOR TERMINAL PORTS OF  
THE PANAMA CANAL<sup>1</sup>**

No. 2737. October 24, 1917

In order to correct a typographical error in the Executive Order dated August 27, 1917, entitled "Establishing Defensive Sea Areas for Terminal Ports of The Panama Canal, and Providing Regulations for the Government of Persons and Vessels Within Said Areas," it is hereby directed that the word "south" be substituted for the word "north" following the words "thence north 39° west to a point with San José Rock bearing" in the description of the outer limit of the Pacific entrance of the defensive sea areas of the terminal ports of The Panama Canal. As corrected, the description will read as follows:

**PACIFIC ENTRANCE:**

**OUTER LIMIT.** — Line joining Venado Island with north end of Taboguilla Island; thence north 53° east, true, for 5 miles; thence north 39° west to a point with San José Rock bearing south 53° west, true, distant 2 nautical miles; thence to Tres Hermanos Beacon; thence to Punta Mala.

WOODROW WILSON.

THE WHITE HOUSE,  
24 October, 1917.

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**JOINT RESOLUTION AUTHORIZING THE TAKING OVER OF ENEMY  
VESSELS<sup>2</sup>**

*Approved May 12, 1917*

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President be, and he is hereby, authorized to take over to the United States the immediate possession and title of any vessel within the jurisdiction thereof, including the Canal Zone and all territories and insular possessions of the United States except the American Virgin Islands, which at the time of coming into such jurisdiction was owned in whole or in part by any corporation, citizen, or subject of any nation with which*

<sup>1</sup> Executive Order No. 2692 was printed in this SUPPLEMENT for October, 1917 p. 168. — Ed.

<sup>2</sup> Public Resolution No. 2, 65th Congress.

the United States may be at war when such vessel shall be taken, or was flying the flag of or was under register of any such nation or any political subdivision or municipality thereof; and, through the United States Shipping Board, or any department or agency of the Government, to operate, lease, charter, and equip such vessel in any service of the United States, or in any commerce, foreign or coastwise.

SEC. 2. That the Secretary of the Navy be, and he is hereby, authorized and directed to appoint, subject to the approval of the President, a board of survey, whose duty it shall be to ascertain the actual value of the vessel, its equipment, appurtenances, and all property contained therein, at the time of its taking, and to make a written report of their findings to the Secretary of the Navy, who shall preserve such report with the records of his department. These findings shall be considered as competent evidence in all proceedings on any claim for compensation.

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ACT OF CONGRESS PERMITTING FOREIGN ENLISTMENTS IN THE  
UNITED STATES<sup>1</sup>

*Approved May 7, 1917*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 10 of chapter two of an Act entitled "An Act to codify, revise, and amend the penal laws of the United States," approved March fourth, nineteen hundred and nine, be amended so as to read as follows:

"SEC. 10. Whoever, within the territory or jurisdiction of the United States, enlists or enters himself, or hires or retains another person to enlist or enter himself, or to go beyond the limits or jurisdiction of the United States with intent to be enlisted or entered in the service of any foreign prince, State, colony, district, or people as a soldier or as a marine or seaman on board of any vessel of war, letter of marque, or privateer shall be fined not more than \$1,000 and imprisoned not more than three years: *Provided*, That this section shall not apply to citizens or subjects of any country engaged in war with a country with which the United States is at war, unless such citizen or subject of such foreign country shall hire or solicit a citizen

<sup>1</sup> Public No. 10, 65th Congress.

of the United States to enlist or go beyond the jurisdiction of the United States with intent to enlist or enter the service of a foreign country. Enlistments under this proviso shall be under regulations prescribed by the Secretary of War."

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EXECUTIVE ORDER REGARDING MEASUREMENT OF FOREIGN SHIPS  
ADMITTED TO AMERICAN REGISTRY

No. 2696. September 7, 1917

In pursuance of the authority conferred upon the President of the United States by Section 2 of the Act approved August 18, 1914, entitled "An Act to provide for the admission of foreign built ships to American registry for the foreign trade, and for other purposes" it is hereby ordered:

That the provisions of law requiring survey, inspection and measurement, by officers of the United States, of foreign built ships admitted to United States registry under said Act are hereby suspended so far and for such length of time as is herein provided, namely: The said provisions shall not apply to any such foreign built ship during the period of two years from September 1, 1917, provided the Secretary of Commerce is satisfied in the case of any such ship that the ship is safe and sea-worthy and that proper effort is being made to comply with the said provision.

WOODROW WILSON.

THE WHITE HOUSE,  
7 September, 1917.

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ACT OF CONGRESS PERMITTING FOREIGN VESSELS TO ENGAGE IN  
COASTWISE TRADE<sup>1</sup>

*Approved October 6, 1917*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That during the present war with Germany and for a period of one hundred and twenty days thereafter the United States Shipping Board may, if in its judgment the interests of the United States require, suspend the present provisions*

<sup>1</sup> Public No. 73, 65th Congress.

of law and permit vessels of foreign registry, and foreign-built vessels admitted to American registry under the Act of August eighteenth, nineteen hundred and fourteen, to engage in the coastwise trade of the United States: *Provided*, That no such vessel shall engage in the coastwise trade except upon a permit issued by the United States Shipping Board, which permit shall limit or define the scope of the trade and the time of such employment: *Provided further*, That in issuing permits the board shall give preference to vessels of foreign registry owned, leased, or chartered by citizens of the United States or corporations thereof: *And provided further*, That the provisions of this Act shall not apply to the coastwise trade with Alaska or between Alaskan ports.

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PROCLAMATION AUTHORIZING PAYMENTS ON ACCOUNT OF AMERICAN  
PATENTS IN GERMANY

No. 1372. May 24, 1917

WHEREAS, the laws of the German Empire provide that letters patent granted or issued to citizens of other countries shall lapse unless certain taxes, annuities or fees are paid within stated periods;

And WHEREAS, the interests of the citizens of the United States in such letters patent are of great value, so that it is important that such payments should be made in order to preserve their rights;

Now, Therefore, I, WOODROW WILSON, President of the United States of America, by virtue of the powers vested in me as such, hereby declare and proclaim that citizens of the United States owning letters patent granted or issued by the German Empire are hereby authorized and permitted to make payment of any tax, annuity or fee which may be required by the laws of the German Empire for the preservation of their rights in such letters patent.

In Witness Whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the city of Washington, this 24th day of May, in  
the year of our Lord nineteen hundred and seventeen  
[SEAL.] and of the Independence of the United States, the one  
hundred and forty-first.

WOODROW WILSON.

By the President:

ROBERT LANSING,  
*Secretary of State.*



EXECUTIVE ORDER ASSUMING CONTROL OF RADIO COMMUNICATIONS<sup>1</sup>

No. 2605-A. April 30, 1917

WHEREAS the Senate and House of Representatives of the United States of America, in Congress assembled, have declared that a state of war exists between the United States and the Imperial German Government; and

WHEREAS it is necessary to operate certain radio stations for radio communication by the Government and to close other radio stations not so operated, to insure the proper conduct of the war against the Imperial German Government and the successful termination thereof,

Now, therefore, it is ordered by virtue of authority vested in me under the Constitution, under the Joint Resolution of Congress dated April 6, 1917, and under the Act to Regulate Radio Communication, approved August 13, 1912, that such radio stations within the jurisdiction of the United States as are required for Naval Communications shall be taken over by the Government of the United States and used and controlled by it, to the exclusion of any other control or use; and furthermore, that all radio stations not necessary to the Government of the United States for Naval Communications may be closed for radio communication and all radio apparatus therein may be removed therefrom.

The enforcement of this order is hereby delegated to the Secretary of the Navy, who is authorized and directed to take such action in the premises as to him may appear necessary.

This order shall take effect from and after this date.

WOODROW WILSON.

THE WHITE HOUSE,  
*April 30, 1917.*

<sup>1</sup> The same order was issued April 6, 1917 (No. 2585), but did not contain in the third paragraph the reference to the Constitution and Joint Resolution of April 6 or the last nine words of that paragraph. — Ed.

AN ACT TO DEFINE, REGULATE, AND PUNISH TRADING WITH THE  
ENEMY, AND FOR OTHER PURPOSES<sup>1</sup>

*Approved October 6, 1917*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act shall be known as the "Trading with the enemy Act."*

SEC. 2. That the word "enemy," as used herein, shall be deemed to mean, for the purposes of such trading and of this Act —

(a) Any individual, partnership, or other body of individuals, of any nationality, resident within the territory (including that occupied by the military and naval forces) of any nation with which the United States is at war, or resident outside the United States and doing business within such territory, and any corporation incorporated within such territory of any nation with which the United States is at war or incorporated within any country other than the United States and doing business within such territory.

(b) The government of any nation with which the United States is at war, or any political or municipal subdivision thereof, or any officer, official, agent, or agency thereof.

(c) Such other individuals, or body or class of individuals, as may be natives, citizens, or subjects of any nation with which the United States is at war, other than citizens of the United States, wherever resident or wherever doing business, as the President, if he shall find the safety of the United States or the successful prosecution of the war shall so require, may, by proclamation, include within the term "enemy."

The words "ally of enemy," as used herein, shall be deemed to mean —

(a) Any individual, partnership, or other body of individuals, of any nationality, resident within the territory (including that occupied by the military and naval forces) of any nation which is an ally of a nation with which the United States is at war, or resident outside the United States and doing business within such territory, and any corporation incorporated within such territory of such ally nation, or incorporated within any country other than the United States and doing business within such territory.

<sup>1</sup> Public No. 91, 65th Congress.

(b) The government of any nation which is an ally of a nation with which the United States is at war, or any political or municipal subdivision of such ally nation, or any officer, official, agent, or agency thereof.

(c) Such other individuals, or body or class of individuals, as may be natives, citizens, or subjects of any nation which is an ally of a nation with which the United States is at war, other than citizens of the United States, wherever resident or wherever doing business, as the President, if he shall find the safety of the United States or the successful prosecution of the war shall so require, may, by proclamation, include within the term "ally of enemy."

The word "person," as used herein, shall be deemed to mean an individual, partnership, association, company, or other unincorporated body of individuals, or corporation or body politic.

The words "United States," as used herein, shall be deemed to mean all land and water, continental or insular, in any way within the jurisdiction of the United States or occupied by the military or naval forces thereof.

The words "the beginning of the war," as used herein, shall be deemed to mean midnight ending the day on which Congress has declared or shall declare war or the existence of a state of war.

The words "end of the war," as used herein, shall be deemed to mean the date of proclamation of exchange of ratifications of the treaty of peace, unless the President shall, by proclamation, declare a prior date, in which case the date so proclaimed shall be deemed to be the "end of the war" within the meaning of this Act.

The words "bank or banks," as used herein, shall be deemed to mean and include national banks, State banks, trust companies, or other banks or banking associations doing business under the laws of the United States, or of any State of the United States.

The words "to trade," as used herein, shall be deemed to mean —

(a) Pay, satisfy, compromise, or give security for the payment or satisfaction of any debt or obligation.

(b) Draw, accept, pay, present for acceptance or payment, or indorse any negotiable instrument or chose in action.

(c) Enter into, carry on, complete, or perform any contract, agreement, or obligation.

(d) Buy or sell, loan or extend credit, trade in, deal with, exchange, transmit, transfer, assign, or otherwise dispose of, or receive any form of property.

(e) To have any form of business or commercial communication or intercourse with.

SEC. 3. That it shall be unlawful —

(a) For any person in the United States, except with the license of the President, granted to such person, or to the enemy, or ally of enemy, as provided in this Act, to trade, or attempt to trade, either directly or indirectly, with, to, or from, or for, or on account of, or on behalf of, or for the benefit of, any other person, with knowledge or reasonable cause to believe that such other person is an enemy or ally of enemy, or is conducting or taking part in such trade, directly or indirectly, for, or on account of, or on behalf of, or for the benefit of, an enemy or ally of enemy.

(b) For any person, except with the license of the President, to transport or attempt to transport into or from the United States, or for any owner, master, or other person in charge of a vessel of American registry to transport or attempt to transport from any place to any other place, any subject or citizen of an enemy or ally of enemy nation, with knowledge or reasonable cause to believe that the person transported or attempted to be transported is such subject or citizen.

(c) For any person (other than a person in the service of the United States Government or of the Government of any nation, except that of an enemy or ally of enemy nation, and other than such persons or classes of persons as may be exempted hereunder by the President or by such person as he may direct), to send, or take out of, or bring into, or attempt to send, or take out of, or bring into the United States, any letter or other writing or tangible form of communication, except in the regular course of the mail; and it shall be unlawful for any person to send, take, or transmit, or attempt to send, take, or transmit out of the United States, any letter or other writing, book, map, plan, or other paper, picture, or any telegram, cablegram, or wireless message, or other form of communication intended for or to be delivered, directly or indirectly, to an enemy or ally of enemy: *Provided, however,* That any person may send, take, or transmit out of the United States anything herein forbidden if he shall first submit the same to the President, or to such officer as the President may direct, and shall obtain the license or consent of the President, under such rules and regulations, and with such exemptions, as shall be prescribed by the President.

(d) Whenever, during the present war, the President shall deem that the public safety demands it, he may cause to be censored under

such rules and regulations as he may from time to time establish, communications by mail, cable, radio, or other means of transmission passing between the United States and any foreign country he may from time to time specify, or which may be carried by any vessel or other means of transportation touching at any port, place, or territory of the United States and bound to or from any foreign country. Any person who willfully evades or attempts to evade the submission of any such communication to such censorship or willfully uses or attempts to use any code or other device for the purpose of concealing from such censorship the intended meaning of such communication shall be punished as provided in section sixteen of this Act.

SEC. 4. (a) Every enemy or ally of enemy insurance or reinsurance company, and every enemy or ally of enemy, doing business within the United States through an agency or branch office, or otherwise, may, within thirty days after the passage of this Act, apply to the President for a license to continue to do business; and, within thirty days after such application, the President may enter an order either granting or refusing to grant such license. The license, if granted, may be temporary or otherwise, and for such period of time, and may contain such provisions and conditions regulating the business, agencies, managers and trustees and the control and disposition of the funds of the company, or of such enemy or ally of enemy, as the President shall deem necessary for the safety of the United States; and any license granted hereunder may be revoked or regranted or renewed in such manner and at such times as the President shall determine: *Provided, however,* That reasonable notice of his intent to refuse to grant a license or to revoke a license granted to any reinsurance company shall be given by him to all insurance companies incorporated within the United States and known to the President to be doing business with such reinsurance company: *Provided further,* That no insurance company, organized within the United States, shall be obligated to continue any existing contract, entered into prior to the beginning of the war, with any enemy or ally of enemy insurance or reinsurance company, but any such company may abrogate and cancel any such contract by serving thirty days' notice in writing upon the President of its election to abrogate such contract.

For a period of thirty days after the passage of this Act, and further pending the entry of such order by the President, after application made by any enemy or ally of enemy insurance or reinsurance com-

pany, within such thirty days as above provided, the provisions of the President's proclamation of April sixth, nineteen hundred and seventeen, relative to agencies in the United States of certain insurance companies, as modified by the provisions of the President's proclamation of July thirteenth, nineteen hundred and seventeen, relative to marine and war-risk insurance, shall remain in full force and effect so far as it applies to such German insurance companies, and the conditions of said proclamation of April sixth, nineteen hundred and seventeen, as modified by said proclamation of July thirteenth, nineteen hundred and seventeen, shall also during said period of thirty days after the passage of this Act, and pending the order of the President as herein provided, apply to any enemy or ally of enemy insurance or reinsurance company, anything in this Act to the contrary notwithstanding. It shall be unlawful for any enemy or ally of enemy insurance or reinsurance company, to whom license is granted, to transmit out of the United States any funds belonging to or held for the benefit of such company or to use any such funds as the basis for the establishment, directly or indirectly, of any credit within or outside of the United States to, or for the benefit of, or on behalf of, or on account of, an enemy or ally of enemy.

For a period of thirty days after the passage of this Act, and further pending the entry of such order by the President, after application made within such thirty days by any enemy or ally of enemy, other than an insurance or reinsurance company as above provided, it shall be lawful for such enemy or ally of enemy to continue to do business in this country and for any person to trade with, to, from, for, on account of, on behalf of, or for the benefit of such enemy or ally of enemy, anything in this Act to the contrary notwithstanding: *Provided, however,* That the provisions of sections three and sixteen hereof shall apply to any act or attempted act of transmission or transfer of money or other property out of the United States and to the use or attempted use of such money or property as the basis for the establishment of any credit within or outside of the United States to, or for the benefit of, or on behalf of, or on account of, an enemy or ally of enemy.

If no license is applied for within thirty days after the passage of this Act, or if a license shall be refused to any enemy or ally of enemy, whether insurance or reinsurance company or other person, making application, or if any license granted shall be revoked by the Presi-

dent, the provisions of sections three and sixteen hereof shall forthwith apply to all trade or to any attempt to trade with, to, from, for, by, on account of, or on behalf of, or for the benefit of such company or other person: *Provided, however,* That after such refusal or revocation, anything in this Act to the contrary notwithstanding, it shall be lawful for a policyholder or for an insurance company, not an enemy or ally of enemy, holding insurance or having effected reinsurance in or with such enemy or ally of enemy insurance or reinsurance company, to receive payment of, and for such enemy or ally of enemy insurance or reinsurance company to pay any premium, return premium, claim, money, security, or other property due or which may become due on or in respect to such insurance or reinsurance in force at the date of such refusal or revocation of license; and nothing in this Act shall vitiate or nullify then existing policies or contracts of insurance or reinsurance, or the conditions thereof; and any such policyholder or insurance company, not an enemy or ally of enemy, having any claim to or upon money or other property of the enemy or ally of enemy insurance or reinsurance company in the custody or control of the alien property custodian, hereinafter provided for, or of the Treasurer of the United States, may make application for the payment thereof and may institute suit as provided in section nine hereof.

(b) That, during the present war, no enemy, or ally of enemy, and no partnership of which he is a member or was a member at the beginning of the war, shall for any purpose assume or use any name other than that by which such enemy or partnership was ordinarily known at the beginning of the war, except under license from the President.

Whenever, during the present war, in the opinion of the President the public safety or public interest requires, the President may prohibit any or all foreign insurance companies from doing business in the United States, or the President may license such company or companies to do business upon such terms as he may deem proper.

SEC. 5. (a) That the President, if he shall find it compatible with the safety of the United States and with the successful prosecution of the war, may, by proclamation, suspend the provisions of this Act so far as they apply to an ally of enemy and he may revoke or renew such suspension from time to time; and the President may grant licenses, special or general, temporary or otherwise, and for such period of time and containing such provisions and conditions as he shall pre-

scribe, to any person or class of persons to do business as provided in subsection (a) of section four hereof, and to perform any act made unlawful without such license in section three hereof, and to file and prosecute applications under subsection (b) of section ten hereof; and he may revoke or renew such licenses from time to time, if he shall be of opinion that such grant or revocation or renewal shall be compatible with the safety of the United States and with the successful prosecution of the war; and he may make such rules and regulations, not inconsistent with law, as may be necessary and proper to carry out the provisions of this Act; and the President may exercise any power or authority conferred by this Act through such officer or officers as he shall direct.

If the President shall have reasonable cause to believe that any act is about to be performed in violation of section three hereof he shall have authority to order the postponement of the performance of such act for a period not exceeding ninety days, pending investigation of the facts by him.

(b) That the President may investigate, regulate, or prohibit, under such rules and regulations as he may prescribe, by means of licenses or otherwise, any transactions in foreign exchange, export or earmarkings of gold or silver coin or bullion or currency, transfers of credit in any form (other than credits relating solely to transactions to be executed wholly within the United States), and transfers of evidences of indebtedness or of the ownership of property between the United States and any foreign country, whether enemy, ally of enemy or otherwise, or between residents of one or more foreign countries, by any person within the United States; and he may require any such person engaged in any such transaction to furnish, under oath, complete information relative thereto, including the production of any books of account, contracts, letters or other papers, in connection therewith in the custody or control of such person, either before or after such transaction is completed.

SEC. 6. That the President is authorized to appoint, prescribe the duties of, and fix the salary (not to exceed \$5,000 per annum) of an official to be known as the alien property custodian, who shall be empowered to receive all money and property in the United States due or belonging to an enemy, or ally of enemy, which may be paid, conveyed, transferred, assigned, or delivered to said custodian under the provisions of this Act; and to hold, administer, and account for



the same under the general direction of the President and as provided in this Act. The alien property custodian shall give such bond or bonds, and in such form and amount, and with such security as the President shall prescribe. The President may further employ in the District of Columbia and elsewhere and fix the compensation of such clerks, attorneys, investigators, accountants, and other employees as he may find necessary for the due administration of the provisions of this Act: *Provided*, That such clerks, investigators, accountants, and other employees shall be appointed from lists of eligibles to be supplied by the Civil Service Commission and in accordance with the civil-service law: *Provided further*, That the President shall cause a detailed report to be made to Congress on the first day of January of each year of all proceedings had under this Act during the year preceding. Such report shall contain a list of all persons appointed or employed, with the salary or compensation paid to each, and a statement of the different kinds of property taken into custody and the disposition made thereof.

SEC. 7. (a) That every corporation incorporated within the United States, and every unincorporated association, or company, or trustee, or trustees within the United States, issuing shares or certificates representing beneficial interests, shall, under such rules and regulations as the President may prescribe and, within sixty days after the passage of this Act, and at such other times thereafter as the President may require, transmit to the alien property custodian a full list, duly sworn to, of every officer, director, or stockholder known to be, or whom the representative of such corporation, association, company, or trustee has reasonable cause to believe to be an enemy or ally of enemy resident within the territory, or a subject or citizen residing outside of the United States, of any nation with which the United States is at war, or resident within the territory, or a subject or citizen residing outside of the United States, of any ally of any nation with which the United States is at war, together with the amount of stock or shares owned by each such officer, director, or stockholder, or in which he has any interest.

The President may also require a similar list to be transmitted of all stock or shares owned on February third, nineteen hundred and seventeen, by any person now defined as an enemy or ally of enemy, or in which any such person had any interest; and he may also require a list to be transmitted of all cases in which said corporation, associa-

tion, company, or trustee has reasonable cause to believe that the stock or shares on February third, nineteen hundred and seventeen, were owned or are owned by such enemy or ally of enemy, though standing on the books in the name of another: *Provided, however,* That the name of any such officer, director, or stockholder shall be stricken permanently or temporarily from such list by the alien property custodian when he shall be satisfied that he is not such enemy or ally of enemy.

Any person in the United States who holds or has or shall hold or have custody or control of any property beneficial or otherwise, alone or jointly with others, of, for, or on behalf of an enemy or ally of enemy, or of any person whom he may have reasonable cause to believe to be an enemy or ally of enemy and any person in the United States who is or shall be indebted in any way to an enemy or ally of enemy, or to any person whom he may have reasonable cause to believe to be an enemy or ally of enemy, shall, with such exceptions and under such rules and regulations as the President shall prescribe, and within thirty days after the passage of this Act, or within thirty days after such property shall come within his custody or control, or after such debt shall become due, report the fact to the alien-property custodian by written statement under oath containing such particulars as said custodian shall require. The President may also require a similar report of all property so held, of, for, or on behalf of, and of all debts so owed to, any person now defined as an enemy or ally of enemy, on February third, nineteen hundred and seventeen: *Provided,* That the name of any person shall be stricken from the said report by the alien-property custodian, either temporarily or permanently, when he shall be satisfied that such person is not an enemy or ally of enemy. The President may extend the time for filing the lists or reports required by this section for an additional period not exceeding ninety days.

(b) Nothing in this Act contained shall render valid or legal, or be construed to recognize as valid or legal, any act or transaction constituting trade with, to, from, for or on account of, or on behalf or for the benefit of an enemy performed or engaged in since the beginning of the war and prior to the passage of this Act, or any such act or transaction hereafter performed or engaged in except as authorized hereunder, which would otherwise have been or be void, illegal, or invalid at law. No conveyance, transfer, delivery, payment, or loan of money or other property, in violation of section three hereof, made

after the passage of this Act, and not under license as herein provided shall confer or create any right or remedy in respect thereof; and no person shall by virtue of any assignment, indorsement, or delivery to him of any debt, bill, note, or other obligation or chose in action by, from, or on behalf of, or on account of, or for the benefit of an enemy or ally of enemy have any right or remedy against the debtor, obligor, or other person liable to pay, fulfill, or perform the same unless said assignment, indorsement, or delivery was made prior to the beginning of the war or shall be made under license as herein provided, or unless, if made after the beginning of the war and prior to the date of passage of this Act, the person to whom the same was made shall prove lack of knowledge and of reasonable cause to believe on his part that the same was made by, from or on behalf of, or on account of, or for the benefit of an enemy or ally of enemy; and any person who knowingly pays, discharges, or satisfies any such debt, note, bill, or other obligation or chose in action shall, on conviction thereof, be deemed to violate section three hereof: *Provided*, That nothing in this Act contained shall prevent the carrying out, completion, or performance of any contract, agreement, or obligation originally made with or entered into by an enemy or ally of enemy where, prior to the beginning of the war and not in contemplation thereof, the interest of such enemy or ally of enemy devolved by assignment or otherwise upon a person not an enemy or ally of enemy, and no enemy or ally of enemy will be benefited by such carrying out, completion, or performance otherwise than by release from obligation thereunder.

Nothing in this Act shall be deemed to prevent payment of money belonging or owing to an enemy or ally of enemy to a person within the United States not an enemy or ally of enemy, for the benefit of such person or of any other person within the United States, not an enemy or ally of enemy, if the funds so paid shall have been received prior to the beginning of the war and such payments arise out of transactions entered into prior to the beginning of the war, and not in contemplation thereof: *Provided*, That such payment shall not be made without the license of the President, general or special, as provided in this Act.

Nothing in this Act shall be deemed to authorize the prosecution of any suit or action at law or in equity in any court within the United States by an enemy or ally of enemy prior to the end of the war, except as provided in section ten hereof: *Provided, however*, That an enemy

or ally of enemy licensed to do business under this Act may prosecute and maintain any such suit or action so far as the same arises solely out of the business transacted within the United States under such license and so long as such license remains in full force and effect: *And provided further*, That an enemy or ally of enemy may defend by counsel any suit in equity or action at law which may be brought against him.

Receipt of notice from the President to the effect that he has reasonable ground to believe that any person is an enemy or ally of enemy shall be prima facie defense to any one receiving the same, in any suit or action at law or in equity brought or maintained, or to any right or set-off or recoupment asserted by, such person and based on failure to complete or perform since the beginning of the war any contract or other obligation. In any prosecution under section sixteen hereof, proof of receipt of notice from the President to the effect that he has reasonable cause to believe that any person is an enemy or ally of enemy shall be prima facie evidence that the person receiving such notice has reasonable cause to believe such other person to be an enemy or ally of enemy within the meaning of section three hereof.

(c) If the President shall so require, any money or other property owing or belonging to or held for, by, on account of, or on behalf of, or for the benefit of an enemy or ally of enemy not holding a license granted by the President hereunder, which the President after investigation shall determine is so owing or so belongs or is so held, shall be conveyed, transferred, assigned, delivered, or paid over to the alien property custodian.

(d) If not required to pay, convey, transfer, assign, or deliver under the provisions of subsection (c) hereof, any person not an enemy or ally of enemy who owes to, or holds for, or on account of, or on behalf of, or for the benefit of an enemy or of an ally of enemy not holding a license granted by the President hereunder, any money or other property, or to whom any obligation or form of liability to such enemy or ally of enemy is presented for payment, may, at his option, with the consent of the President, pay, convey, transfer, assign, or deliver to the alien property custodian said money or other property under such rules and regulations as the President shall prescribe.

(e) No person shall be held liable in any court for or in respect to anything done or omitted in pursuance of any order, rule, or regulation made by the President under the authority of this Act.

Any payment, conveyance, transfer, assignment, or delivery of

money or property made to the alien property custodian hereunder shall be a full acquittance and discharge for all purposes of the obligation of the person making the same to the extent of same. The alien property custodian and such other persons as the President may appoint shall have power to execute, acknowledge, and deliver any such instrument or instruments as may be necessary or proper to evidence upon the record or otherwise such acquittance and discharge, and shall, in case of payment to the alien property custodian of any debt or obligation owed to an enemy or ally of enemy, deliver up any notes, bonds, or other evidences of indebtedness or obligation, or any security therefor in which such enemy or ally of enemy had any right or interest that may have come into the possession of the alien property custodian, with like effect as if he or they, respectively, were duly appointed by the enemy or ally of enemy, creditor, or obligee. The President shall issue to every person so appointed a certificate of the appointment and authority of such person, and such certificate shall be received in evidence in all courts within the United States. Whenever any such certificate of authority shall be offered to any registrar, clerk, or other recording officer, Federal or otherwise, within the United States, such officer shall record the same in like manner as a power of attorney, and such record or a duly certified copy thereof shall be received in evidence in all courts of the United States or other courts within the United States.

SEC. 8. (a) That any person not an enemy or ally of enemy holding a lawful mortgage, pledge, or lien, or other right in the nature of security in property of an enemy or ally of enemy which, by law or by the terms of the instrument creating such mortgage, pledge, or lien, or right, may be disposed of on notice or presentation or demand, and any person not an enemy or ally of enemy who is a party to any lawful contract with an enemy or ally of enemy, the terms of which provide for a termination thereof upon notice or for acceleration of maturity on presentation or demand, may continue to hold said property, and, after default, may dispose of the property in accordance with law or may terminate or mature such contract by notice or presentation or demand served or made on the alien property custodian in accordance with the law and the terms of such instrument or contract and under such rules and regulations as the President shall prescribe; and such notice and such presentation and demand shall have, in all respects, the same force and effect as if duly served or made upon

the enemy or ally of enemy personally: *Provided*, That no such rule or regulation shall require that notice or presentation or demand shall be served or made in any case in which, by law or by the terms of said instrument or contract, no notice, presentation, or demand was, prior to the passage of this Act, required; and that in case where, by law or by the terms of such instrument or contract, notice is required, no longer period of notice shall be required: *Provided further*, That if, on any such disposition of property, a surplus shall remain after the satisfaction of the mortgage, pledge, lien, or other right in the nature of security, notice of that fact shall be given to the President pursuant to such rules and regulations as he may prescribe, and such surplus shall be held subject to his further order.

(b) That any contract entered into prior to the beginning of the war between any citizen of the United States or any corporation organized within the United States, and an enemy or ally of an enemy, the terms of which provide for the delivery, during or after any war in which a present enemy or ally of enemy nation has been or is now engaged, of anything produced, mined, or manufactured in the United States, may be abrogated by such citizen or corporation by serving thirty days' notice in writing upon the alien property custodian of his or its election to abrogate such contract.

(c) The running of any statute of limitations shall be suspended with reference to the rights or remedies on any contract or obligation entered into prior to the beginning of the war between parties neither of whom is an enemy or ally of enemy, and containing any promise to pay or liability for payment which is evidenced by drafts or other commercial paper drawn against or secured by funds or other property situated in an enemy or ally of enemy country, and no suit shall be maintained on any such contract or obligation in any court within the United States until after the end of the war, or until the said funds or property shall be released for the payment or satisfaction of such contract or obligation: *Provided, however*, That nothing herein contained shall be construed to prevent the suspension of the running of the statute of limitations in all other cases where such suspension would occur under existing law.

SEC. 9. That any person, not an enemy, or ally of enemy, claiming any interest, right, or title in any money or other property which may have been conveyed, transferred, assigned, delivered, or paid to the alien property custodian hereunder, and held by him or by the

Treasurer of the United States, or to whom any debt may be owing from an enemy, or ally of enemy, whose property or any part thereof shall have been conveyed, transferred, assigned, delivered, or paid to the alien property custodian hereunder, and held by him or by the Treasurer of the United States, may file with the said custodian a notice of his claim under oath and in such form and containing such particulars as the said custodian shall require; and the President, if application is made therefor by the claimant, may, with the assent of the owner of said property and of all persons claiming any right, title, or interest therein, order the payment, conveyance, transfer, assignment or delivery to said claimant of the money or other property so held by the alien property custodian or by the Treasurer of the United States or of the interest therein to which the President shall determine said claimant is entitled: *Provided*, That no such order by the President shall bar any person from the prosecution of any suit at law or in equity against the claimant to establish any right, title or interest which he may have in such money or other property. If the President shall not so order within sixty days after the filing of such application, or if the claimant shall have filed the notice as above required and shall have made no application to the President, said claimant may, at any time before the expiration of six months after the end of the war, institute a suit in equity in the district court of the United States for the district in which such claimant resides, or, if a corporation, where it has its principal place of business (to which suit the alien property custodian or the Treasurer of the United States, as the case may be, shall be made a party defendant), to establish the interest, right, title, or debt so claimed, and if suit shall be so instituted then the money or other property of the enemy, or ally of enemy, against whom such interest, right, or title is asserted, or debt claimed, shall be retained in the custody of the alien property custodian, or in the Treasury of the United States, as provided in this Act, and until any final judgment or decree which shall be entered in favor of the claimant shall be fully satisfied by payment or conveyance, transfer, assignment, or delivery by the defendant or by the alien property custodian or Treasurer of the United States on order of the court, or until final judgment or decree shall be entered against the claimant, or suit otherwise terminated.

Except as herein provided, the money or other property conveyed, transferred, assigned, delivered, or paid to the alien property cus-

todian shall not be liable to lien, attachment, garnishment, trustee process, or execution, or subject to any order or decree of any court.

This section shall not apply, however, to money paid to the alien property custodian under section ten hereof.

SEC. 10. That nothing contained in this Act shall be held to make unlawful any of the following acts:

(a) An enemy, or ally of enemy, may file and prosecute in the United States an application for letters patent, or for registration of trade-mark, print, label, or copyright, and may pay any fees therefor in accordance with and as required by the provisions of existing law and fees for attorneys or agents for filing and prosecuting such applications. Any such enemy, or ally of enemy, who is unable during war, or within six months thereafter, on account of conditions arising out of war, to file any such application, or to pay any official fee, or to take any action required by law within the period prescribed by law, may be granted an extension of nine months beyond the expiration of said period, provided the nation of which the said applicant is a citizen, subject, or corporation shall extend substantially similar privileges to citizens and corporations of the United States.

(b) Any citizen of the United States; or any corporation organized within the United States, may, when duly authorized by the President, pay to an enemy or ally of enemy any tax, annuity, or fee which may be required by the laws of such enemy or ally of enemy nation in relation to patents and trade-marks, prints, labels, and copyrights; and any such citizen or corporation may file and prosecute an application for letters patent or for registration of trade-mark, print, label, or copyright in the country of an enemy, or of an ally of enemy after first submitting such application to the President and receiving license so to file and prosecute, and to pay the fees required by law and customary agents' fees, the maximum amount of which in each case shall be subject to the control of the President.

(c) Any citizen of the United States or any corporation organized within the United States desiring to manufacture, or cause to be manufactured, a machine, manufacture, composition of matter, or design, or to carry on, or to use any trade-mark, print, label or cause to be carried on, a process under any patent or copyrighted matter owned or controlled by an enemy or ally of enemy at any time during the existence of a state of war may apply to the President for a license; and the President is hereby authorized to grant such a license, nonex-



clusive or exclusive as he shall deem best, provided he shall be of the opinion that such grant is for the public welfare, and that the applicant is able and intends in good faith to manufacture, or cause to be manufactured, the machine, manufacture, composition of matter, or design, or to carry on, or cause to be carried on, the process or to use the trade-mark, print, label or copyrighted matter. The President may prescribe the conditions of this license, including the fixing of prices of articles and products necessary to the health of the military and naval forces of the United States or the successful prosecution of the war, and the rules and regulations under which such license may be granted and the fee which shall be charged therefor, not exceeding \$100, and not exceeding one per centum of the fund deposited as hereinafter provided. Such license shall be a complete defense to any suit at law or in equity instituted by the enemy or ally of enemy owners of the letters patent, trade-mark, print, label or copyright, or otherwise, against the licensee for infringement or for damages, royalty, or other money award on account of anything done by the licensee under such license, except as provided in subsection (f) hereof.

(d) The licensee shall file with the President a full statement of the extent of the use and enjoyment of the license, and of the prices received in such form and at such stated periods (at least annually) as the President may prescribe; and the licensee shall pay at such times as may be required to the alien property custodian not to exceed five per centum of the gross sums received by the licensee from the sale of said inventions or use of the trade-mark, print, label or copyrighted matter or, if the President shall so order, five per centum of the value of the use of such inventions, trade-marks, prints, labels or copyrighted matter to the licensee as established by the President; and sums so paid shall be deposited by said alien property custodian forthwith in the Treasury of the United States as a trust fund for the said licensee and for the owner of the said patent, trade-mark, print, label or copyright registration as hereinafter provided, to be paid from the Treasury upon order of the court, as provided in subdivision (f) of this section, or upon the direction of the alien property custodian.

(e) Unless surrendered or terminated as provided in this Act, any license granted hereunder shall continue during the term fixed in the license or in the absence of any such limitation during the term of the patent, trade-mark, print, label, or copyright registration under which it is granted. Upon violation by the licensee of any of the provisions

of this Act, or of the conditions of the license, the President may, after due notice and hearing, cancel any license granted by him.

(f) The owner of any patent, trade-mark, print, label, or copyright under which a license is granted hereunder may, after the end of the war and until the expiration of one year thereafter, file a bill in equity against the licensee in the district court of the United States for the district in which the said licensee resides, or, if a corporation, in which it has its principal place of business (to which suit the Treasurer of the United States shall be made a party), for recovery from the said licensee for all use and enjoyment of the said patented invention, trade-mark, print, label, or copyrighted matter: *Provided, however,* That whenever suit is brought, as above, notice shall be filed with the alien property custodian within thirty days after date of entry of suit: *Provided further,* That the licensee may make any and all defenses which would be available were no license granted. The court on due proceedings had may adjudge and decree to the said owner payment of a reasonable royalty. The amount of said judgment and decree, when final, shall be paid on order of the court to the owner of the patent from the fund deposited by the licensee, so far as such deposit will satisfy said judgment and decree; and the said payment shall be in full or partial satisfaction of said judgment and decree, as the facts may appear; and if, after payment of all such judgments and decrees, there shall remain any balance of said deposit, such balance shall be repaid to the licensee on order of the alien property custodian. If no suit is brought within one year after the end of the war, or no notice is filed as above required, then the licensee shall not be liable to make any further deposits, and all funds deposited by him shall be repaid to him on order of the alien property custodian. Upon entry of suit and notice filed as above required, or upon repayment of funds as above provided, the liability of the licensee to make further reports to the President shall cease.

If suit is brought as above provided, the court may, at any time, terminate the license, and may, in such event, issue an injunction to restrain the licensee from infringement thereafter, or the court, in case the licensee, prior to suit, shall have made investment of capital based on possession of the license, may continue the license for such period and upon such terms and with such royalties as it shall find to be just and reasonable.

(g) Any enemy, or ally of enemy, may institute and prosecute

suits in equity against any person other than a licensee under this Act to enjoin infringement of letters patent, trade-mark, print, label, and copyrights in the United States owned or controlled by said enemy or ally of enemy, in the same manner and to the extent that he would be entitled so to do if the United States was not at war: *Provided*, That no final judgment or decree shall be entered in favor of such enemy or ally of enemy by any court except after thirty days' notice to the alien property custodian. Such notice shall be in writing and shall be served in the same manner as civil process of Federal courts.

(h) All powers of attorney heretofore or hereafter granted by an enemy or ally of enemy to any person within the United States, in so far as they may be requisite to the performance of acts authorized in subsections (a) and (g) of this section, shall be valid.

(i) Whenever the publication of an invention by the granting of a patent may, in the opinion of the President, be detrimental to the public safety or defense, or may assist the enemy or endanger the successful prosecution of the war, he may order that the invention be kept secret and withhold the grant of a patent until the end of the war: *Provided*, That the invention disclosed in the application for said patent may be held abandoned upon it being established before or by the Commissioner of Patents that, in violation of said order, said invention has been published or that an application for a patent therefor has been filed in any other country, by the inventor or his assigns or legal representatives, without the consent or approval of the commissioner or under a license of the President.

When an applicant whose patent is withheld as herein provided and who faithfully obeys the order of the President above referred to shall tender his invention to the Government of the United States for its use, he shall, if he ultimately receives a patent, have the right to sue for compensation in the Court of Claims, such right to compensation to begin from the date of the use of the invention by the Government.

SEC. 11. Whenever during the present war the President shall find that the public safety so requires and shall make proclamation thereof it shall be unlawful to import into the United States from any country named in such proclamation any article or articles mentioned in such proclamation except at such time or times, and under such regulations or orders, and subject to such limitations and exceptions as the President shall prescribe, until otherwise ordered by the

President or by Congress: *Provided, however,* That no preference shall be given to the ports of one State over those of another.

SEC. 12. That all moneys (including checks and drafts payable on demand) paid to or received by the alien property custodian pursuant to this Act shall be deposited forthwith in the Treasury of the United States, and may be invested and reinvested by the Secretary of the Treasury in United States bonds or United States certificates of indebtedness, under such rules and regulations as the President shall prescribe for such deposit, investment, and sale of securities; and as soon after the end of the war as the President shall deem practicable, such securities shall be sold and the proceeds deposited in the Treasury.

All other property of an enemy, or ally of enemy, conveyed, transferred, assigned, delivered, or paid to the alien property custodian hereunder shall be safely held and administered by him except as hereinafter provided; and the President is authorized to designate as a depositary, or depositaries, of property of an enemy or ally of enemy, any bank, or banks, or trust company, or trust companies, or other suitable depositary or depositaries, located and doing business in the United States. The alien property custodian may deposit with such designated depositary or depositaries, or with the Secretary of the Treasury, any stocks, bonds, notes, time drafts, time bills of exchange, or other securities, or property (except money or checks or drafts payable on demand which are required to be deposited with the Secretary of the Treasury) and such depositary or depositaries shall be authorized and empowered to collect any dividends or interest or income that may become due and any maturing obligations held for the account of such custodian. Any moneys collected on said account shall be paid and deposited forthwith by said depositary or by the alien property custodian into the Treasury of the United States as hereinbefore provided.

The President shall require all such designated depositaries to execute and file bonds sufficient in his judgment to protect property on deposit, such bonds to be conditioned as he may direct.

The alien property custodian shall be vested with all of the powers of a common-law trustee in respect of all property, other than money, which shall come into his possession in pursuance of the provisions of this Act, and, acting under the supervision and direction of the President, and under such rules and regulations as the President shall prescribe, may manage such property and do any act or things in

respect thereof or make any disposition thereof or of any part thereof, by sale or otherwise, and exercise any rights which may be or become appurtenant thereto or to the ownership thereof, if and when necessary to prevent waste and protect such property and to the end that interests of the United States in such property and rights or of such person as may ultimately become entitled thereto, or to the proceeds thereof, may be preserved and safeguarded. It shall be the duty of every corporation incorporated within the United States and every unincorporated association, or company, or trustee, or trustees within the United States issuing shares or certificates representing beneficial interests to transfer such shares or certificates upon its, his, or their books into the name of the alien property custodian upon demand, accompanied by the presentation of the certificates which represent such shares or beneficial interests. The alien property custodian shall forthwith deposit in the Treasury of the United States, as hereinbefore provided, the proceeds of any such property or rights so sold by him.

Any money or property required or authorized by the provisions of this Act to be paid, conveyed, transferred, assigned, or delivered to the alien property custodian shall, if said custodian shall so direct by written order, be paid, conveyed, transferred, assigned, or delivered to the Treasurer of the United States with the same effect as if to the alien property custodian.

After the end of the war any claim of any enemy or of an ally of enemy to any money or other property received and held by the alien property custodian or deposited in the United States Treasury, shall be settled as Congress shall direct: *Provided, however,* That on order of the President as set forth in section nine hereof, or of the court, as set forth in sections nine and ten hereof, the alien property custodian or the Treasurer of the United States, as the case may be, shall forthwith convey, transfer, assign, and pay to the person to whom the President shall so order, or in whose behalf the court shall enter final judgment or decree, any property of an enemy or ally of enemy held by said custodian or by said Treasurer, so far as may be necessary to comply with said order of the President or said final judgment or decree of the court: *And provided further,* That the Treasurer of the United States, on order of the alien property custodian shall, as provided in section ten hereof, repay to the licensee any funds deposited by said licensee.

SEC. 13. That, during the present war, in addition to the facts required by sections forty-one hundred and ninety-seven, forty-one hundred and ninety-eight, and forty-two hundred of the Revised Statutes, as amended by the Act of June fifteenth, nineteen hundred and seventeen, to be set out in the master's and shipper's manifests before clearance will be issued to vessels bound to foreign ports, the master or person in charge of any vessel, before departure of such vessel from port, shall deliver to the collector of customs of the district wherein such vessel is located a statement duly verified by oath that the cargo is not shipped or to be delivered in violation of this Act, and the owners, shippers, or consignors of the cargo of such vessels shall in like manner deliver to the collector like statement under oath as to the cargo or the parts thereof laden or shipped by them, respectively, which statement shall contain also the names and addresses of the actual consignees of the cargo, or if the shipment is made to a bank or other broker, factor, or agent, the names and addresses of the persons who are the actual consignees on whose account the shipment is made. The master or person in control of the vessel shall, on reaching port of destination of any of the cargo, deliver a copy of the manifest and of the said master's, owner's, shipper's, or consignor's statement to the American consular officer of the district in which the cargo is unladen.

SEC. 14. That, during the present war, whenever there is reasonable cause to believe that the manifest or the additional statements under oath required by the preceding section are false or that any vessel, domestic or foreign, is about to carry out of the United States any property to or for the account or benefit of an enemy, or ally of enemy, or any property or person whose export, taking out, or transport will be in violation of law, the collector of customs for the district in which such vessel is located is hereby authorized and empowered subject to review by the President to refuse clearance to any such vessel, domestic or foreign, for which clearance is required by law, and by formal notice served upon the owners, master, or person or persons in command or charge of any domestic vessel for which clearance is not required by law, to forbid the departure of such vessel from the port, and it shall thereupon be unlawful for such vessel to depart.

The collector of customs shall, during the present war, in each case report to the President the amount of gold or silver coin or bullion or

other moneys of the United States contained in any cargo intended for export. Such report shall include the names and addresses of the consignors and consignees, together with any facts known to the collector with reference to such shipment and particularly those which may indicate that such gold or silver coin or bullion or moneys of the United States may be intended for delivery or may be delivered, directly or indirectly, to an enemy or an ally of enemy.

SEC. 15. That the sum of \$450,000 is hereby appropriated, out of any money in the Treasury of the United States not otherwise appropriated, to be used in the discretion of the President for the purpose of carrying out the provisions of this Act during the fiscal year ending June thirtieth, nineteen hundred and eighteen, and for the payment of salaries of all persons employed under this Act, together with the necessary expenses for transportation, subsistence, rental of quarters in the District of Columbia, books of reference, periodicals, stationery, typewriters and exchanges thereof, miscellaneous supplies, printing to be done at the Government Printing Office, and all other necessary expenses not included in the foregoing.

SEC. 16. That whoever shall willfully violate any of the provisions of this Act or of any license, rule, or regulation issued thereunder, and whoever shall willfully violate, neglect, or refuse to comply with any order of the President issued in compliance with the provisions of this Act shall, upon conviction, be fined not more than \$10,000, or, if a natural person, imprisoned for not more than ten years, or both; and the officer, director, or agent of any corporation who knowingly participates in such violation shall be punished by a like fine, imprisonment, or both, and any property, funds, securities, papers, or other articles or documents, or any vessel, together with her tackle, apparel, furniture, and equipment, concerned in such violation shall be forfeited to the United States.

SEC. 17. That the district courts of the United States are hereby given jurisdiction to make and enter all such rules as to notice and otherwise, and all such orders and decrees, and to issue such process as may be necessary and proper in the premises to enforce the provisions of this Act, with a right of appeal from the final order or decree of such court as provided in sections one hundred and twenty-eight and two hundred and thirty-eight of the Act of March third, nineteen hundred and eleven, entitled "An Act to codify, revise, and amend the laws relating to the judiciary."

SEC. 18. That the several courts of first instance in the Philippine Islands and the district court of the Canal Zone shall have jurisdiction of offenses under this Act committed within their respective districts, and concurrent jurisdiction with the district courts of the United States of offenses under this Act committed upon the high seas and of conspiracies to commit such offenses as defined by section thirty-seven of the Act entitled "An Act to codify, revise, and amend the penal laws of the United States," approved March fourth, nineteen hundred and nine, and the provisions of such section for the purpose of this Act are hereby extended to the Philippine Islands and to the Canal Zone.

SEC. 19. That ten days after the approval of this Act and until the end of the war, it shall be unlawful for any person, firm, corporation, or association, to print, publish, or circulate, or cause to be printed, published, or circulated in any foreign language, any news item, editorial or other printed matter, respecting the Government of the United States, or of any nation engaged in the present war, its policies, international relations, the state or conduct of the war, or any matter relating thereto: *Provided*, That this section shall not apply to any print, newspaper, or publication where the publisher or distributor thereof, on or before offering the same for mailing, or in any manner distributing it to the public, has filed with the postmaster at the place of publication, in the form of an affidavit, a true and complete translation of the entire article containing such matter proposed to be published in such print, newspaper, or publication, and has caused to be printed, in plain type in the English language, at the head of each such item, editorial, or other matter, on each copy of such print, newspaper, or publication, the words "True translation filed with the postmaster at \_\_\_\_\_ on \_\_\_\_\_ (naming the post office where the translation was filed, and the date of filing thereof), as required by the Act of \_\_\_\_\_ (here giving the date of this Act).

Any print, newspaper, or publication in any foreign language which does not conform to the provisions of this section is hereby declared to be nonmailable, and it shall be unlawful for any person, firm, corporation, or association, to transport, carry, or otherwise publish or distribute the same, or to transport, carry or otherwise publish or distribute any matter which is made nonmailable by the provisions of the Act relating to espionage, approved June fifteenth, nineteen hundred and seventeen: *Provided further*, That upon evi-



dence satisfactory to him that any print, newspaper, or publication, printed in a foreign language may be printed, published, and distributed free from the foregoing restrictions and conditions without detriment to the United States in the conduct of the present war, the President may cause to be issued to the printers or publishers of such print, newspaper, or publication, a permit to print, publish, and circulate the issue or issues of their print, newspaper, or publication, free from such restrictions and requirements, such permits to be subject to revocation at his discretion. And the Postmaster General shall cause copies of all such permits and revocations of permits to be furnished to the postmaster of the post office serving the place from which the print, newspaper, or publication, granted the permit is to emanate. All matter printed, published and distributed under permits shall bear at the head thereof in plain type in the English language, the words, "Published and distributed under permit authorized by the Act of (here giving date of this Act), on file at the post office of (giving name of office)."

Any person who shall make an affidavit containing any false statement in connection with the translation provided for in this section shall be guilty of the crime of perjury and subject to the punishment provided therefor by section one hundred and twenty-five of the Act of March fourth, nineteen hundred and nine, entitled "An Act to codify, revise, and amend the penal laws of the United States," and any person, firm, corporation, or association, violating any other requirement of this section shall, on conviction thereof, be punished by a fine of not more than \$500, or by imprisonment of not more than one year, or, in the discretion of the court, may be both fined and imprisoned.

Approved, October 6, 1917.

**EXECUTIVE ORDER VESTING POWER AND AUTHORITY IN DESIGNATED OFFICERS AND MAKING RULES AND REGULATIONS UNDER TRADING WITH THE ENEMY ACT AND TITLE VII OF THE ACT APPROVED JUNE 15, 1917<sup>1</sup>**

No. 2729-A. October, 12, 1917

By virtue of the authority vested in me by "An Act to Define, Regulate and Punish Trading with the Enemy and for Other Purposes," approved October 6, 1917, and by Title VII of the Act approved June 15, 1917, entitled "An Act to Punish Acts of Interference with the Foreign Relations, the Neutrality and the Foreign Commerce of the United States, to Punish Espionage and Better to Enforce the Criminal Laws of the United States and for Other Purposes," (hereinafter designated as the Espionage Act), I hereby make the following orders and rules and regulations:

**WAR TRADE BOARD**

I. I hereby establish a War Trade Board to be composed of representatives, respectively, of the Secretary of State, of the Secretary of the Treasury, of the Secretary of Agriculture, of the Secretary of Commerce, of the Food Administrator, and of the United States Shipping Board.

II. I hereby vest in said Board the power and authority to issue licenses under such terms and conditions as are not inconsistent with law, or to withhold or refuse licenses, for the exportation of all articles, except coin, bullion or currency, the exportation or taking of which out of the United States may be restricted by proclamations heretofore or hereafter issued by me under said Title VII of the Espionage Act.

III. I further hereby vest in said War Trade Board the power and authority to issue, upon such terms and conditions as are not inconsistent with law, or to withhold or refuse, licenses for the importation of all articles the importation of which may be restricted by any proclamation hereafter issued by me under Section 11 of the Trading with the Enemy Act.

<sup>1</sup> The Act of June 15, 1917, was printed in this SUPPLEMENT for October, 1917, p. 178.

IV. I further hereby vest in said War Trade Board the power and authority not vested in other officers by subsequent provisions of this order, to issue, under such terms and conditions as are not inconsistent with law, or to withhold or refuse, licenses to trade either directly or indirectly with, to, or from, or for, or on account of, or on behalf of, or for the benefit of, any other person, with knowledge or reasonable cause to believe that such other person is an enemy or ally of enemy, or is conducting or taking part in such trade directly or indirectly for, or on account of, or on behalf of, or for the benefit of, an enemy or ally of enemy.

V. I further hereby vest in said War Trade Board the power and authority, under such terms and conditions as are not inconsistent with law, to issue to every enemy or ally of enemy, other than enemy or ally of enemy insurance or reinsurance companies, doing business within the United States through an agency or branch office, or otherwise, applying therefor within thirty days of October 6, 1917, licenses temporary or otherwise to continue to do business, or said Board may withhold or refuse the same.

VI. And I further hereby vest in said War Trade Board the executive administration of the provisions of Section 4 (b) of the Trading with the Enemy Act relative to granting licenses to enemies and enemy allies to assume or use other names than those by which they were known at the beginning of the war. And I hereby authorize said Board to issue licenses not inconsistent with the provisions of law or to withhold or refuse licenses to any enemy, or ally of enemy, or partnership of which an enemy or ally of enemy is a member or was a member at the beginning of the war, to assume or use any name other than that by which such enemy or ally of enemy or partnership was ordinarily known at the beginning of the war.

VII. I hereby revoke the executive order of August 21, 1917, creating the Exports Administrative Board. All proclamations, rules, regulations and instructions made or given by me under Title VII of the Espionage Act and now being administered by the Exports Administrative Board are hereby continued, confirmed and made applicable to the War Trade Board, and all employees of the Exports Administrative Board are hereby transferred to and constituted employees of the War Trade Board in the same capacities, and said War Trade Board is hereby authorized to exercise without interruption, the powers heretofore exercised by said Exports Administrative Board.

VIII. The said War Trade Board is hereby authorized and empowered to take all such measures as may be necessary or expedient to administer the powers hereby conferred. And I hereby vest in the War Trade Board the power conferred upon the President by Section 5 (a) to make such rules and regulations, not inconsistent with law, as may be necessary and proper for the exercise of the powers conferred upon said Board.

#### WAR TRADE COUNCIL

IX. I hereby establish a War Trade Council to be composed of the Secretary of State, Secretary of the Treasury, Secretary of Agriculture, Secretary of Commerce, the Food Administrator and the Chairman of the Shipping Board, and I hereby authorize and direct the said War Trade Council thus constituted to act in an advisory capacity in such matters under said Acts as may be referred to them by the President or the War Trade Board.

#### SECRETARY OF THE TREASURY

X. I hereby vest in the Secretary of the Treasury the executive administration of any investigation, regulation or prohibition of any transaction in foreign exchange, export or earmarking of gold or silver coin, or bullion or currency, transfers of credit in any form (other than credits relating solely to transactions to be executed wholly within the United States) and transfers of evidences of indebtedness or of the ownership of property between the United States and any foreign country, or between residents of one or more foreign countries, by any person within the United States; and I hereby vest in the Secretary of the Treasury the authority and power to require any person engaged in any such transaction to furnish under oath complete information relative thereto, including the production of any books of account, contracts, letters or other papers in connection therewith in the custody or control of such person, either before or after such transaction is completed.

XI. I further hereby vest in the Secretary of the Treasury the executive administration of the provisions of subsection (c) of Section 3 of the Trading with the Enemy Act relative to sending, or taking out of, or bringing into, or attempting to send, take out of, or bring into, the United States, any letter, writing or tangible form of com-

munication, except in the regular course of the mail; and of the sending, taking, or transmitting, or attempting to send, take, or transmit, out of the United States, any letter, or other writing, book, map, plan, or other paper, picture, or any telegram, cablegram, or wireless message, or other form of communication intended for or to be delivered, directly or indirectly, to an enemy or ally of enemy. And said Secretary of the Treasury is hereby authorized and empowered to issue licenses to send, take or transmit out of the United States anything otherwise forbidden by said subsection (c) and give such consent or grant such exemption in respect thereto, as is not inconsistent with law, or to withhold or refuse the same.

XII. I further authorize the Secretary of the Treasury to grant a license under such terms and conditions as are not inconsistent with law or to withhold or refuse the same to any "enemy" or "ally of enemy" insurance or reinsurance company doing business within the United States through an agency or branch office or otherwise, which shall make application within thirty days of October 6, 1917.

XIII. I hereby authorize and direct the Secretary of the Treasury, for the purpose of such executive administration, to take such measures, adopt such administrative procedure, and use such agency or agencies as he may from time to time deem necessary and proper for that purpose. The proclamation of the President, dated September 7, 1917, made under authority vested in him by Title VII of said Act of Congress, approved June 15, 1917, shall remain in full force and effect. The executive order, dated September 7, 1917, made under the authority of said title shall remain in full force and effect until new regulations shall have been established by the President, or by the Secretary of the Treasury, with the approval of the President, and thereupon shall be superseded.

#### CENSORSHIP BOARD

XIV. I hereby establish a Censorship Board to be composed of representatives, respectively, of the Secretary of War, the Secretary of the Navy, the Postmaster General, the War Trade Board, and the Chairman of the Committee on Public Information.

XV. And I hereby vest in said Censorship Board the executive administration of the rules, regulations and proclamations from time to time established by the President under subsection (d) of section 3,

of the Trading with the Enemy Act, for the censorship of communications by mail, cable, radio or other means of transmission passing between the United States and any foreign country from time to time specified by the President, or carried by any vessel, or other means of transportation touching at any port, place or territory of the United States and bound to or from any foreign country.

XVI. The said Censorship Board is hereby authorized to take all such measures as may be necessary or expedient to administer the powers hereby conferred.

#### FEDERAL TRADE COMMISSION

XVII. I further hereby vest in the Federal Trade Commission the power and authority to issue licenses under such terms and conditions as are not inconsistent with law or to withhold or refuse the same, to any citizen of the United States or any corporation organized within the United States to file and prosecute applications in the country of an enemy or ally of enemy for letters patent or for registration of trade-mark, print, label, or copyright, and to pay the fees required by law and the customary agents' fees, the maximum amount of which in each case shall be subject to the control of such Commission; or to pay to any enemy or ally of enemy any tax, annuity or fee which may be required by the laws of such enemy or ally of enemy nation in relation to patents, trade-marks, prints, labels and copyrights.

XVIII. I hereby vest in the Federal Trade Commission the power and authority to issue, pursuant to the provisions of Section 10 (c) of the Trading with the Enemy Act, upon such terms and conditions as are not inconsistent with law, or to withhold or refuse, a license to any citizen of the United States, or any corporation organized within the United States, to manufacture or cause to be manufactured a machine, manufacture, composition of matter, or design, or to carry on or cause to be carried on a process under any patent, or to use any trade-mark, print, label, or copyrighted matter owned or controlled by an enemy or ally of enemy, at any time during the present war; and also to fix the prices of articles and products manufactured under such licenses necessary to the health of the military and the naval forces of the United States, or the successful prosecution of the war; and to prescribe the fee which may be charged for such license, not exceeding \$100.00 and not exceeding 1 per centum of the fund deposited by the licensee with the Alien Property Custodian as provided by law.

XIX. I hereby further vest in the said Federal Trade Commission the executive administration of the provisions of Section 10 (d) of the Trading with the Enemy Act, the power and authority to prescribe the form of, and time and manner of filing statements of the extent of the use and enjoyment of the license and of the prices received and the times at which the licensee shall make payments to the Alien Property Custodian, and the amounts of said payments, in accordance with the Trading with the Enemy Act.

XX. I further hereby vest in the Federal Trade Commission the power and authority, whenever in its opinion the publication of an invention or the granting of a patent may be detrimental to the public safety or defense, or may assist the enemy, or endanger the successful prosecution of the war, to order that the invention be kept secret and the grant of letters patent withheld until the end of the war.

XXI. The said Federal Trade Commission is hereby authorized to take all such measures as may be necessary or expedient to administer the powers hereby conferred.

#### THE POSTMASTER GENERAL

XXII. I hereby vest in the Postmaster General the executive administration of all the provisions (except the penal provisions) of Section 19, of the Trading with the Enemy Act, relating to the printing, publishing or circulation in any foreign language of any news item, editorial, or other printed matter respecting the Government of the United States or of any nation engaged in the present war, its policies, international relations, the state or conduct of the war or any matter relating thereto, and the filing with the Postmaster at the place of publication, in the form of an affidavit of a true and complete translation of the entire article containing such matter proposed to be published in such print, newspaper or publication, and the issuance of permits for the printing, publication and distribution thereof free from said restriction. And the Postmaster General is authorized and empowered to issue such permits upon such terms and conditions as are not inconsistent with law and to refuse, withhold or revoke the same.

XXIII. The sum of \$35,000.00 or so much thereof as may be necessary is hereby allotted out of the funds appropriated by the Trading with the Enemy Act, to be expended by the Postmaster General in the administration of said Section 19 thereof.

XXIV. The Postmaster General is hereby authorized to take all such measures as may be necessary or expedient to administer the powers hereby conferred.

SECRETARY OF STATE

XXV. I hereby vest in the Secretary of State the executive administration of the provisions of subsection (b) of Section 3 of the Trading with the Enemy Act relative to any person transporting or attempting to transport any subject or citizen of an enemy or ally of enemy nation, and relative to transporting or attempting to transport by any owner, master or other person in charge of a vessel of American registry, from any place to any other place, such subject or citizen of an enemy or enemy ally.

XXVI. And I hereby authorize and empower the Secretary of State to issue licenses for such transportation of enemies and enemy allies or to withhold or refuse the same.

XXVII. And said Secretary of State is hereby authorized and empowered to take all such measures as may be necessary or expedient to administer the powers hereby conferred and to grant, refuse, withhold or revoke licenses thereunder.

SECRETARY OF COMMERCE

XXVIII. I hereby vest in the Secretary of Commerce the power to review the refusal of any Collector of Customs under the provisions of Sections 13 and 14 of the Trading with the Enemy Act, to clear any vessel, domestic or foreign, for which clearance is required by law.

ALIEN PROPERTY CUSTODIAN

XXIX. I hereby vest in an Alien Property Custodian, to be hereafter appointed, the executive administration of all the provisions of Section 7 (a), Section 7 (c), and Section 7 (d) of the Trading with the Enemy Act, including all power and authority to require lists and reports, and to extend the time for filing the same, conferred upon the President by the provisions of said Section 7 (a), and including the power and authority conferred upon the President by the provisions of said Section 7(c), to require the conveyance, transfer, assignment, delivery or payment to himself, at such time and in such manner as



he shall prescribe, of any money or other properties owing to or belonging to or held for, by or on account of, or on behalf of, or for the benefit of any enemy or ally of an enemy, not holding a license granted under the provisions of the Trading with the Enemy Act, which, after investigation, said Alien Property Custodian shall determine is so owing, or so belongs, or is so held.

XXX. Any person who desires to make conveyance, transfer, payment, assignment or delivery, under the provisions of Section 7 (d) of the Trading with the Enemy Act, to the Alien Property Custodian of any money or other property owing to or held for, by or on account of, or on behalf of, or for the benefit of an enemy or ally of enemy, not holding a license granted as provided in the Trading with the Enemy Act, or to whom any obligation or form of liability to such enemy or ally of enemy is presented for payment, shall file application with the Alien Property Custodian for consent and permit to so convey, transfer, assign, deliver or pay such money or other property to him and said Alien Property Custodian is hereby authorized to exercise the power and authority conferred upon the President by the provisions of said Section 7 (d) to consent and to issue permit upon such terms and conditions as are not inconsistent with law, or to withhold or refuse the same.

XXXI. I further vest in the Alien Property Custodian the executive administration of all the provisions of Section 8 (a), Section 8 (b), and Section 9 of the Trading with the Enemy Act, so far as said Sections relate to the powers and duties of said Alien Property Custodian.

XXXII. I vest in the Attorney General all power and authority conferred upon the President by the provisions of Section 9 of the Trading with the Enemy Act.

XXXIII. The Alien Property Custodian to be hereafter appointed is hereby authorized to take all such measures as may be necessary or expedient, and not inconsistent with law, to administer the powers hereby conferred; and he shall further have the power and authority to make such rules and regulations not inconsistent with law as may be necessary and proper to carry out the provisions of said Section 7 (a), Section 7 (c), Section 7 (d), Section 8 (a), and Section 8 (b), conferred upon the President by the provisions thereof and by the provisions of Section 5 (a), said rules and regulations to be duly approved by the Attorney General.

XXXIV. The Alien Property Custodian to be hereafter appointed

shall, "under the supervision and direction of the President, and under such rules and regulations as the President shall prescribe," have administration of all moneys (including checks and drafts payable on demand) and of all property, other than money which shall come into his possession in pursuance of the provisions of the Trading with the Enemy Act, in accordance with the provisions of Section 6, Section 10, and Section 12 thereof.

WOODROW WILSON.

THE WHITE HOUSE,  
12 October, 1917.

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EXECUTIVE ORDER SUPPLEMENTAL TO EXECUTIVE ORDER OF OCTOBER  
12, 1917, VESTING POWER AND AUTHORITY IN DESIGNATED OFFICERS  
AND MAKING RULES AND REGULATIONS UNDER TRADING WITH THE  
ENEMY ACT AND TITLE VII OF THE ACT APPROVED JUNE 15, 1917

No. 2770. December 7, 1917

By virtue of the authority vested in me by "An Act to Define, Regulate and Punish Trading with the Enemy and for Other Purposes," approved October 6, 1917, I hereby make the following orders, rules and regulations:

I. I hereby prohibit any and all foreign insurance companies from doing business within the United States after February 1, 1918, unless such companies shall first obtain from the Secretary of the Treasury licenses to do business.

II. I further hereby vest in the Secretary of the Treasury the power and authority to issue at any time, upon such terms and conditions as the Secretary of the Treasury may deem proper and as are not inconsistent with law, or to refuse, a license to any foreign insurance company to do business within the United States through agencies, branch offices or otherwise.

WOODROW WILSON.

THE WHITE HOUSE,  
7 December, 1917.

EXECUTIVE ORDER FIXING SALARY OF, AND VESTING CERTAIN POWER  
AND AUTHORITY IN, THE ALIEN PROPERTY CUSTODIAN APPOINTED  
UNDER TRADING WITH THE ENEMY ACT

No. 2744. October 29, 1917

By virtue of the authority vested in me by "an Act to define, regulate, and punish trading with the enemy" approved October 6, 1917, I hereby make and establish the following order:

1. I hereby fix the salary of the Alien Property Custodian heretofore appointed at the sum of \$5000 per annum. I direct that said Alien Property Custodian shall give a bond in the amount of \$100,000.00, with security to be approved by the Attorney General, and which bond shall be conditioned to well and faithfully hold, administer, and account for all money and property in the United States due or belonging to an enemy or ally of enemy, or otherwise, which may be paid, conveyed, transferred, assigned, or delivered to said Custodian under the provisions of the Trading with the Enemy Act.

2. I hereby authorize and empower the Alien Property Custodian to employ and appoint in the manner provided in the Trading with the Enemy Act in the District of Columbia and elsewhere, and to fix the compensation of such clerks, attorneys, investigators, accountants, and other employees as he may find necessary for the due administration of the powers conferred on such Alien Property Custodian by law or by any order of the President heretofore or hereafter made.

3. I hereby vest in the Alien Property Custodian the executive administration of the provisions of Section 12 of the Trading with the Enemy Act pertaining to the designation of a depository, or depositaries, and requiring all such designated depositaries to execute and file bonds and prescribing the form, amount, and security thereof. And I authorize and empower the Alien Property Custodian to designate any bank, or banks, or trust company, or trust companies, or other suitable depository or depositaries located and doing business in the United States, as the depository or depositaries with which said Alien Property Custodian may deposit any stocks, bonds, notes, time drafts, time bills of exchange, or other securities or property (except money, or cheques, or drafts payable on demand) of an enemy or ally of enemy and to prescribe the bond or bonds and the form, amount, and security thereof which shall be given by said depository or depositaries.

4. The following sums, or so much thereof as may be necessary, are hereby allotted out of the funds appropriated by the Trading with the Enemy Act to the following named officers:

To the Alien Property Custodian .....	\$100,000.00,
To the Federal Trade Commission .....	\$ 25,000.00,
To the Secretary of the Treasury .....	\$ 15,000.00,
To the War Trade Board .....	\$ 25,000.00,

to be expended in the administration of the powers vested respectively in them by law or by any order heretofore or hereafter made by me.

5. The powers and authority herein vested in said Alien Property Custodian are in addition to the powers and authority vested in said Alien Property Custodian by the Executive Order of October 12, 1917.

WOODROW WILSON.

THE WHITE HOUSE,  
29 October, 1917.

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PROCLAMATION REGARDING TREASON AND MISPRISION OF TREASON

No. 1368. April 16, 1917

WHEREAS, all persons in the United States, citizens as well as aliens, should be informed of the penalties which they will incur for any failure to bear true allegiance to the United States;

Now, therefore, I, WOODROW WILSON, President of the United States, hereby issue this proclamation to call especial attention to the following provisions of the Constitution and the laws of the United States:

Section 3 of Article III of the Constitution provides, in part:

Treason against the United States, shall consist only in levying war against them, or in adhering to their Enemies, giving them Aid and Comfort.

The Criminal Code of the United States provides:

*Section 1.*

Whoever, owing allegiance to the United States, levies war against them or adheres to their enemies, giving them aid and comfort within the United States or elsewhere, is guilty of treason.

*Section 2.*

Whoever is convicted of treason shall suffer death; or, at the discretion of the court, shall be imprisoned not less than five years and fined not less than ten thousand dollars, to be levied on and collected out of any or all of his property, real

and personal, of which he was the owner at the time of committing such treason, any sale or conveyance to the contrary notwithstanding; and every person so convicted of treason shall, moreover, be incapable of holding any office under the United States.

*Section 5.*

Whoever, owing allegiance to the United States and having knowledge of the commission of any treason against them, conceals and does not, as soon as may be, disclose and make known the same to the President or to some judge of the United States, or to the governor or to some judge or justice of a particular State, is guilty of misprision of treason and shall be imprisoned not more than seven years, and fined not more than one thousand dollars.

*Section 6.*

If two or more persons in any State or Territory, or in any place subject to the jurisdiction of the United States, conspire to overthrow, put down, or to destroy by force the Government of the United States, or to levy war against them, or to oppose by force the authority thereof, or by force to prevent, hinder, or delay the execution of any law of the United States, or by force to seize, take, or possess any property of the United States contrary to the authority thereof, they shall each be fined not more than five thousand dollars, or imprisoned not more than six years, or both.

The courts of the United States have stated the following acts to be treasonable:

The use or attempted use of any force or violence against the Government of the United States, or its military or naval forces;

The acquisition, use, or disposal of any property with knowledge that it is to be, or with intent that it shall be, of assistance to the enemy in their hostilities against the United States;

The performance of any act or the publication of statements or information which will give or supply, in any way, aid and comfort to the enemies of the United States;

The direction, aiding, counseling, or countenancing of any of the foregoing acts.

Such acts are held to be treasonable whether committed within the United States or elsewhere; whether committed by a citizen of the United States or by an alien domiciled, or residing, in the United States, inasmuch as resident aliens, as well as citizens, owe allegiance to the United States and its laws.

Any such citizen or alien who has knowledge of the commission of such acts and conceals and does not make known the facts to the officials named in Section 3 of the Penal Code is guilty of misprision of treason.

And I hereby proclaim and warn all citizens of the United States, and all aliens, owing allegiance to the Government of the United States, to abstain from committing any and all acts which would constitute a violation of any of the laws herein set forth; and I further proclaim and warn all persons who may commit such acts that they will be vigorously prosecuted therefor.

In Witness Whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the City of Washington this sixteenth day of April in the year of our Lord one thousand nine hundred and [SEAL.] seventeen, and of the Independence of the United States of America the one hundred and forty-first.

WOODROW WILSON.

By the President:

ROBERT LANSING,  
*Secretary of State.*

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PROCLAMATION REGARDING CONTROL OF VESSELS IN PORTS OF THE  
UNITED STATES

No. 1413. December 3, 1917

WHEREAS, Under and by virtue of an Act of Congress entitled "An Act To punish acts of interference with the foreign relations, the neutrality, and the foreign commerce of the United States, to punish espionage, and better to enforce the criminal laws of the United States, and for other purposes," approved by the President on the 15th day of June, 1917, it is provided among other things as follows:

Section 1. Whenever the President by proclamation or Executive order declares a national emergency to exist by reason of actual or threatened war, insurrection, or invasion, or disturbance or threatened disturbance of the international relations of the United States, the Secretary of the Treasury may make, subject to the approval of the President, rules and regulations governing the anchorage and movement of any vessel, foreign or domestic, in the territorial waters of the United States, may inspect such vessel at any time, place guards thereon, and, if necessary in his opinion in order to secure such vessels from damage or injury, or to prevent damage or injury to any harbor or waters of the United States, or to secure the observance of the rights and obligations of the United States, may take, by and with the consent of the President, for such purposes, full possession and control of such vessel and remove therefrom the officers and crew thereof and all other persons not specially authorized by him to go or remain on board thereof. . . .

And, WHEREAS, In a proclamation made by me on the 6th day of April, 1917, it was proclaimed that a state of war exists between the United States and the Imperial German Government,

And, WHEREAS, It is essential, in order to carry into effect the provisions of the said Act, which are quoted herein, that the powers conferred upon the President therein be at this time exercised,

Now, therefore, I, WOODROW WILSON, President of the United States of America, by virtue of the powers conferred upon me by the provisions of the said Act of Congress quoted herein, do hereby proclaim that a national emergency exists by reason of the existence of a state of war between the United States and the Imperial German Government,

And the Secretary of the Treasury is therefore hereby authorized to make rules and regulations governing the anchorage and movement of any vessel, foreign or domestic, in the territorial waters of the United States, and to inspect such vessel at any time, place guards thereon, and, if necessary in his opinion in order to secure such vessels from damage or injury, or to prevent damage or injury to any harbor or waters of the United States, or to secure the observance of the rights and obligations of the United States, to take, for such purposes, full possession and control of such vessel and remove therefrom the officers and crew thereof and all other persons not specially authorized by him to go or remain on board thereof.

In Witness Whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE in the District of Columbia, this third day of December,  
in the year of our Lord one thousand nine hundred  
[SEAL.] and seventeen, and of the independence of the United  
States of America, the one hundred and forty-second.

WOODROW WILSON.

By the President:

ROBERT LANSING,  
*Secretary of State.*

EXECUTIVE ORDER REGARDING WATCH OFFICERS OF AMERICAN  
VESSELS REGISTERED FOR FOREIGN TRADE

No. 2652. July 3, 1917

In pursuance of the authority conferred upon the President of the United States by section 2 of the Act approved August 18, 1914, entitled "An Act to provide for the admission of foreign-built ships to American registry for the foreign trade, and for other purposes," it is hereby ordered:

That the provisions of law prescribing that the watch officers of vessels of the United States registered for the foreign trade shall be citizens of the United States, are hereby suspended so far and for such length of time as is herein provided, namely —

That all citizens or subjects of nations which are or which may hereafter be engaged in the present war against the Imperial German Government or any of its allies, and all such citizens or subjects of neutral nations as shall satisfy the Secretary of Commerce that their attitude toward the purposes of the United States in the war it is now waging is not detrimental to the successful prosecution of the war, may, for the duration of the war, be permitted to act as watch officers of vessels of the United States registered for the foreign trade, if otherwise qualified: Provided, That if it shall appear to the satisfaction of the Secretary of Commerce that any such citizen or subject, whether of a belligerent or neutral nation, has committed any act inimical to the United States in the conduct of the war, the said Secretary may, in each such case, withdraw the exemption provided for herein, and such exemption shall not again apply to any such alien citizen or subject. And the Secretary of Commerce is hereby authorized to prescribe such rules and regulations as may be necessary to carry this order into effect.

WOODROW WILSON.

THE WHITE HOUSE,  
3 July, 1917.





## OFFICIAL DOCUMENTS

### TREATY ARRANGEMENTS DEFINING THE INTERNATIONAL RELATIONS OF GREECE

PROTOCOL OF CONFERENCE BETWEEN GREAT BRITAIN, FRANCE, AND  
RUSSIA, RELATIVE TO THE INDEPENDENCE OF GREECE <sup>1</sup>

*London, February 3, 1830*

[The following clauses of this protocol were referred to in the treaty  
of 7th May, 1832.<sup>2</sup>]

(Translation as laid before Parliament)

Present: The plenipotentiaries of Great Britain, France, and Russia.

#### *Independence of Greece*

§ 1. Greece shall form an independent state, and shall enjoy all the rights, political, administrative, and commercial, attached to complete independence.

#### *Form of Government*

§ 3. The Greek Government shall be monarchical, and hereditary according to the order of primogeniture. It shall be confided to a prince, who shall not be capable of being chosen from among those of the families reigning in the states that signed the treaty of the 6th July, 1827,<sup>3</sup> and who shall bear the title of Sovereign Prince of Greece. The choice of that prince shall form the object of subsequent communications and stipulations.

<sup>1</sup> Hertalet, *Map of Europe by Treaty*, Vol. II, p. 841; for French version, see *British and Foreign State Papers*, Vol. XVII, p. 191.

<sup>2</sup> Printed *infra*, p. 68.

<sup>3</sup> This treaty was signed by Great Britain, France, and Russia, for the pacification of Greece as a dependency of Turkey. Hertalet, Vol. I, p. 769.

*Guarantee of three Powers*

§ 8. Each of the three courts shall retain the power, secured to it by Article VI of the treaty of the 6th July, 1827, of guaranteeing the whole of the foregoing arrangements and articles. The Acts of Guarantee, if there be any, shall be drawn up separately; the operation and effects of these different Acts shall become, in conformity with the above-mentioned article, the object of further stipulations on the part of the high Powers. No troops belonging to one of the contracting Powers shall be allowed to enter the territory of the new Greek state, without the consent of the two other courts who signed the treaty.

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CONVENTION BETWEEN GREAT BRITAIN, FRANCE, AND RUSSIA, ON THE ONE PART, AND BAVARIA ON THE OTHER, RELATIVE TO THE SOVEREIGNTY OF GREECE.<sup>1</sup>

*Signed at London, May 7, 1832*

(Translation as laid before Parliament)

The courts of Great Britain, France, and Russia, exercising the power conveyed to them by the Greek nation, to make choice of a sovereign for Greece, raised to the rank of an independent state, and being desirous of giving to that country a fresh proof of their friendly disposition by the election of a prince descended from a royal house, the friendship and alliance of which can not fail to be of essential service to Greece, and which has already acquired claims to her esteem and gratitude, have resolved to offer the crown of the new Greek state to the Prince Frederick Otho of Bavaria, second son of his Majesty the King of Bavaria.

His Majesty the King of Bavaria, on his part, acting the character of guardian of the said Prince Otho during his minority, participating in the views of the three courts, and duly appreciating the motives which have induced them to fix their choice upon a prince of his House, has determined to accept the crown of Greece for his second son, the Prince Frederick Otho of Bavaria.

<sup>1</sup> Hertslet, *Map of Europe by Treaty*, Vol. II, p. 893; for French version, see *State Papers*, Vol. XIX, p. 33.

In consequence of such acceptance, and for the purpose of agreeing upon the arrangements which it has rendered necessary, their Majesties the King of the United Kingdom of Great Britain and Ireland, the King of the French, and the Emperor of All the Russias, on the one part, and His Majesty the King of Bavaria on the other, have named as their plenipotentiaries, viz.:—

His Majesty the King of the United Kingdom of Great Britain and Ireland, the Right Honorable Henry John, Viscount Palmerston, Baron Temple, a Peer of Ireland, a member of His Britannic Majesty's Most Honorable Privy Council, a Member of Parliament, and his Principal Secretary of State for Foreign Affairs;

His Majesty the King of the French, the Sieur Charles Maurice de Talleyrand-Perigord, Prince-Duke de Talleyrand, Peer of France, his said Majesty's Ambassador Extraordinary and Minister Plenipotentiary to His Britannic Majesty, etc.;

His Majesty the Emperor of All the Russias, the Sieur Christopher, Prince of Lieven, General of Infantry in his Armies, his Aide-de-Camp General, Ambassador Extraordinary and Plenipotentiary to His Britannic Majesty, etc.; and the Sieur Adam, Count Matuszewic, Privy Councillor of His said Majesty, etc.;

And His Majesty the King of Bavaria, the Sieur Augustus, Baron de Cetto, his Envoy Extraordinary and Minister Plenipotentiary to His Britannic Majesty;

Who, after having exchanged their full powers, found to be in good and due form, have agreed upon and signed the following articles:

*Offer of hereditary sovereignty of Greece to Prince Otho of Bavaria*

Art. I. The courts of Great Britain, France, and Russia, duly authorized for this purpose by the Greek nation, offer the hereditary sovereignty of Greece to the Prince Frederick Otho of Bavaria, second son of His Majesty the King of Bavaria.

*Acceptance of hereditary sovereignty by King of Bavaria*

Art. II. His Majesty the King of Bavaria, acting in the name of his said son, a minor, accepts, on his behalf, the hereditary sovereignty of Greece, on the conditions hereinafter settled.

*Title of King of Greece*

Art. III. The Prince Otho of Bavaria shall bear the title of King of Greece.<sup>1</sup>

*Greece to form a monarchical and independent state, under the guarantee of Great Britain, France, and Russia*

Art. IV. Greece, under the sovereignty of the Prince Otho of Bavaria, and under the guarantee of the three courts, shall form a monarchical and independent state, according to the terms of the protocol signed between the said courts on the 3d February, 1830, and accepted both by Greece and by the Ottoman Porte.

*Limits of Greece*

Art. V. The limits of the Greek state shall be such as shall be definitively settled by the negotiations which the courts of Great Britain, France, and Russia have recently opened with the Ottoman Porte, in execution of the protocol of 26th September, 1831.

*King of Greece to be a contracting party to definitive treaty*

Art. VI. The three courts having beforehand determined to convert the protocol of the 3d of February, 1830, into a definitive treaty, as soon as the negotiations relative to the limits of Greece shall have terminated,<sup>2</sup> and to communicate such treaty to all the states with which they have relations, it is hereby agreed that they shall fulfil this engagement, and that His Majesty the King of Greece shall become a contracting party to the treaty in question.

*Three courts to obtain recognition of King Otho*

Art. VII. The three courts shall, from the present moment, use their influence to procure the recognition of the Prince Otho of Bavaria as King of Greece, by all the sovereigns and states with whom they have relations.

<sup>1</sup> The title of the present king is "King of the Hellenes," the change of title being made by protocols of 3d August, and 13th October, 1863. Hertalet, Vol. II, pp. 1563-4.

<sup>2</sup> Arrangement of 21st July, 1832. Hertalet, Vol. II, p. 903.

*Royal crown to be hereditary*

¶ Art. VIII.<sup>1</sup> The Royal Crown and dignity shall be hereditary in Greece; and shall pass to the direct and lawful descendants and heirs of the Prince Otho of Bavaria, in the order of primogeniture. In the event of the decease of the Prince Otho of Bavaria, without direct and lawful issue, the crown of Greece shall pass to his younger brother, and to his direct and lawful descendants and heirs, in the order of primogeniture. In the event of the decease of the last-mentioned prince also, without direct and lawful issue, the crown of Greece shall pass to his younger brother, and to his direct and lawful descendants and heirs, in the order of primogeniture.<sup>2</sup>

*Crowns of Greece and Bavaria not to be united*

In no case shall the crown of Greece and the crown of Bavaria be united upon the same head.

*Majority of Prince Otho*

Art. IX. The majority of the Prince Otho of Bavaria, as King of Greece, is fixed at the period when he shall have completed his 20th year, that is to say, on the first of June, 1835.

*Regency during minority of King of Greece*

Art. X. During the minority of the Prince Otho of Bavaria, King of Greece, his rights of sovereignty shall be exercised in their full extent, by a regency composed of three councillors, who shall be appointed by His Majesty the King of Bavaria.

*Prince Otho to retain his appanages in Bavaria, and to be assisted by King of Bavaria*

Art. XI. The Prince Otho of Bavaria shall retain the full possession of his appanages in Bavaria. His Majesty the King of Bavaria,

<sup>1</sup> King Otho renounced his right of succession to the throne of Bavaria on the 18th March, 1836.

<sup>2</sup> See explanatory and supplemental article, 30th April, 1833. Hertslet, Vol. II, p. 919.

moreover, engages to assist, as far as may be in his power, the Prince Otho in his position in Greece, until a revenue shall have been set apart for the crown in that state.

*Guarantee of loan by three Powers*<sup>1</sup>

Art. XII. In execution of the stipulations of the protocol of the 20th of February, 1830, His Majesty the Emperor of All the Russias engages to guarantee, and their Majesties the King of the United Kingdom of Great Britain and Ireland, and the King of the French, engage to recommend, the former to his Parliament, and the latter to his Chambers, to enable their Majesties to guarantee, on the following conditions, a loan to be contracted by the Prince Otho of Bavaria, as King of Greece.

*Extent of loan*

1. The principal of the loan to be contracted under the guarantee of the three Powers shall not exceed a total amount of 60,000,000 of francs.

*Loan to be raised by instalments*

2. The said loan shall be raised by instalments of 20,000,000 of francs each.

*Guarantee of interest and sinking fund by three Powers*

3. For the present, the first instalment only shall be raised, and the three courts shall each become responsible for the payment of one-third of the annual amount of the interest and sinking fund of the said instalment.

4. The second and third instalments of the said loan may also be raised, according to the necessities of the Greek state, after previous agreement between the three courts and His Majesty the King of Greece.

5. In the event of the second and third instalments of the above-mentioned loan being raised in consequence of such an agreement, the three courts shall each become responsible for the payment of one-third of the annual amount of the interest and sinking fund of these two instalments, as well as of the first.

<sup>1</sup> See treaty of 29th March, 1864, *infra*, p. 79.

*Payment of interest and sinking fund by Greece*

6. The sovereign of Greece and the Greek state shall be bound to appropriate to the payment of the interest and sinking fund, of such instalments of the loan as may have been raised under the guarantee of the three courts, the first revenues of the state, in such manner that the actual receipts of the Greek Treasury shall be devoted, *first of all*, to the payment of the said interest and sinking fund, and shall not be employed for any other purpose until those payments on account of the instalments of the loan raised under the guarantee of the three courts shall have been completely secured for the current year.

*Representatives of three courts to watch over fulfilment of engagement by Greece*

The diplomatic representatives of the three courts in Greece shall be specially charged to watch over the fulfilment of the last-mentioned stipulation.

*Pecuniary compensation to Turkey to be paid out of proceeds of loan*

Art. XIII. In case a pecuniary compensation in favor of the Ottoman Porte should result from the negotiations which the three courts have already opened at Constantinople for the definitive settlement of the limits of Greece, it is understood that the amount of such compensation shall be defrayed out of the proceeds of the loan which forms the subject of the preceding article.

*Bavarian troops to be raised for King of Greece. Evacuation of Greece by Allied troops*

Art. XIV. His Majesty the King of Bavaria shall lend his assistance to the Prince Otho in raising in Bavaria a body of troops, not exceeding 3,500 men, to be employed in his service, as King of Greece, which corps shall be armed, equipped, and paid by the Greek state, to be sent thither as soon as possible, in order to relieve the troops of the Alliance hitherto stationed in Greece. The latter shall remain in that country entirely at the disposal of the Government of His Majesty the King of Greece, until the arrival of the body of troops above mentioned. Immediately upon their arrival the troops of the Alliance already referred to shall retire, and altogether evacuate the Greek territory.



*Bavarian officers to organize a national military force*

Art. XV. His Majesty the King of Bavaria shall also assist the Prince Otho in obtaining the services of a certain number of Bavarian officers, who shall organize a national military force in Greece.

*Regency to proceed to Greece without delay*

Art. XVI. As soon as possible after the signature of the present convention, the three councillors who are to be associated with His Royal Highness the Prince Otho by His Majesty the King of Bavaria, in order to compose the Regency of Greece, shall repair to Greece, shall enter upon the exercise of the functions of the said Regency, and shall prepare all the measures necessary for the reception of the sovereign, who, on his part, will repair to Greece with as little delay as possible.

*Declaration of three courts to Greek nation*

Art. XVII. The three courts shall announce to the Greek nation, by a joint declaration, the choice which they have made of His Royal Highness Prince Otho of Bavaria, as King of Greece, and shall afford the Regency all the support in their power.

*Ratifications*

Art. XVIII. The present convention shall be ratified, and the ratifications shall be exchanged at London in six weeks, or sooner, if possible.

In witness whereof the respective plenipotentiaries have signed the same, and have affixed thereto the seal of their arms.

Done at London, the 7th May, in the year of our Lord, 1832.

(L. S.) PALMERSTON.

(L. S.) TALLEYRAND.

(L. S.) LIEVEN.

(L. S.) MATUSZEWIC.

(L. S.) A. DE CETTO.

[An Act was passed by the German Diet, 4th October, 1832, recognizing Prince Otho as King of Greece.]

[An Act of Parliament was passed on the 16th August, 1832 (2 and 3 Will. IV, cap. 121), to enable His Majesty to carry out the above convention.]

TREATY BETWEEN GREAT BRITAIN, FRANCE, AND RUSSIA, ON THE ONE PART, AND DENMARK, ON THE OTHER PART, RELATIVE TO THE ACCESSION OF PRINCE WILLIAM OF DENMARK TO THE THRONE OF GREECE.<sup>1</sup>

*Signed at London, 13th July, 1863; ratifications exchanged at London, 3d August, 1863*

(Translation as laid before Parliament)

*Reference to guarantee of Great Britain, France, and Russia*

In the name of the Most Holy and Indivisible Trinity

Their Majesties the Queen of the United Kingdom of Great Britain and Ireland, the Emperor of the French, and the Emperor of All the Russias, being anxious to smooth the difficulties which have occurred in the Kingdom of Greece, placed under their common guarantee, have judged it necessary to come to an understanding with regard to the arrangements to be taken in order to give effect to the wish of the Greek nation, which calls the Prince William of Denmark to the Hellenic throne.

His Majesty the King of Denmark, on his part, responding to the invitation of their said Majesties, has consented to afford them his coöperation with a view to that result, conformable to the interests of the general peace.

In consequence, their Majesties the Queen of the United Kingdom of Great Britain and Ireland, the Emperor of the French, and the Emperor of All the Russias, on the one part, and His Majesty the King of Denmark on the other, have resolved to conclude a treaty, and have for that purpose named as their plenipotentiaries, that is to say:

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, the Right Honorable John Earl Russell, her Principal Secretary of State for Foreign Affairs, etc.,

His Majesty the Emperor of the French, the Sieur John Baptist Louis Baron Gros, Ambassador Extraordinary and Plenipotentiary to Her Britannic Majesty, etc.;

His Majesty the Emperor of All the Russias, the Sieur Philip Baron de Brunnow, his actual Privy Councillor, Ambassador Extraordinary and Plenipotentiary to Her Britannic Majesty, etc.;

<sup>1</sup> Hertalet, Map of Europe by Treaty, Vol. II, p. 1545; for French version, see State Papers, Vol. LIII, p. 28.

And His Majesty the King of Denmark, the Sieur Torben de Bille, his Chamberlain, his Envoy Extraordinary and Minister Plenipotentiary to Her Britannic Majesty, etc.;

Who, after having exchanged their full powers, found in good and due form, have agreed upon and signed the following articles:

*Acceptance of hereditary sovereignty of Greece by King of Denmark  
for Prince William of Denmark*

Art. I. His Majesty the King of Denmark, in accordance with the Prince Christian of Denmark, acting in the character of guardian of his second son the Prince Christian William Ferdinand Adolphus George, accepts for that prince, a minor, the hereditary sovereignty of Greece, which is offered to him by the Senate and the National Assembly of Greece in the name of the Hellenic nation.

*Title of King of the Greeks*

Art. II. The Prince William of Denmark shall bear the title of George I, King of the Greeks (*Roi des Grecs*).<sup>1</sup>

*Greece to form a monarchical, independent, and constitutional state*

Art. III. Greece, under the sovereignty of Prince William of Denmark, and the guarantee of the three courts, forms a monarchical, independent, and constitutional state.

*Limits of Greek Territory. Annexation of Ionian Islands to Greece*

Art. IV. The limits of the Greek Territory, determined by the arrangement concluded at Constantinople between the three courts and the Ottoman Porte, on the 21st July, 1832,<sup>2</sup> shall receive an extension by the union of the Ionian Islands with the Hellenic Kingdom, when such union, proposed by the Government of her Britannic Majesty, shall have been found to be in accordance with the wishes of the Ionian Parliament, and shall have obtained the assent of the courts of Austria, France, Prussia, and Russia.<sup>3</sup>

<sup>1</sup> See note <sup>1</sup>, p. 70, *supra*.

<sup>2</sup> Hertael, Vol. II, p. 903.

<sup>3</sup> Decree 18/30th March, 1863, annexed to Protocol of 5th June, 1863. Hertael, Vol. II, p. 1539.

*Union of Ionian Islands to be under guarantee of protecting Powers*

Art. V. The Ionian Islands, when their union with the Kingdom of Greece shall have been effected, shall be comprised in the guarantee stipulated by Article III of the present treaty.

*Crowns of Greece and Denmark never to be united*

Art. VI. In no case shall the crown of Greece and the crown of Denmark be united on the same head.

*Religion of King of Greece*

Art. VII. In conformity with the principle of the Hellenic Constitution recognized by the treaty signed at London, on the 20th November, 1852,<sup>1</sup> and proclaimed by the decree of the National Assembly of Greece, of the 30th March, 1863 the legitimate successors of King George I must profess the tenets of the Orthodox Church of the East.

*Majority of King of Greece*

Art. VIII. The majority of Prince William of Denmark, fixed by the law of the royal family at 18 years complete, that is to say, on the 24th December, 1863, shall be considered as attained before that date, if a decree of the National Assembly should recognize the necessity thereof.

*Appropriation by Ionian Islands to civil list of King of the Greeks*

Art. IX. At the moment when the union of the Ionian Islands with the Hellenic Kingdom shall take place, according to the terms of Article IV of the present treaty, Her Britannic Majesty will recommend to the Government of the United States of the Ionian Islands to appropriate annually a sum of £10,000 sterling to augment the civil list of His Majesty George I, King of the Greeks (*Roi des Grecs*).

*Personal dotation to King of the Greeks by protecting Powers*

Art. X. Each of the three courts will give up in favor of Prince William of Denmark £4,000 a year out of the sums which the Greek

<sup>1</sup> Hertalet, Vol. II, p. 1156.

Treasury has engaged to pay annually to each of them, in pursuance of the arrangement concluded at Athens by the Greek Government, with the concurrence of the Chambers, in the month of June, 1860.<sup>1</sup>

It is expressly understood that these three sums, forming a total of £12,000 sterling annually, shall be destined to constitute a personal dotation of His Majesty the King, in addition to the civil list fixed by the law of the state.

*Financial engagements of Greece to be maintained. Greek loan*

Art. XI. The accession of Prince William to the Hellenic throne shall not involve any change in the financial engagements which Greece has contracted by Article XII of the convention signed at London, on the 7th May, 1832, towards the Powers guaranties of the loan.

It is equally understood that the Powers will, in concert, watch over the execution of the engagement taken by the Hellenic Government in the month of June, 1860, upon the representation of the three courts.

*Recognition of Prince William of Denmark by foreign Powers*

Art. XII. The three courts shall, from this moment, use their influence in order to procure the recognition of Prince William of Denmark in the character of King of the Greeks (*Roi des Grecs*), by all the sovereigns and states with whom they have relations.

*Arrival of King George I in Greece*

Art. XIII. His Majesty the King of Denmark reserves to himself to take the measures which may be most proper for facilitating the arrival of King George I in his dominions as soon as possible.

*Support to Greek Government*

Art. XIV. The three courts will bring the present treaty to the knowledge of the Greek Government, and will afford to that government all the support in their power, while awaiting the speedy arrival of His Majesty the King.

<sup>1</sup> Hertalet, Vol. II, p. 1445.

*Ratifications*

Art. XV. The present treaty shall be ratified, and the ratifications shall be exchanged at London in six weeks, or sooner, if possible.

In witness whereof the respective plenipotentiaries have signed the same, and have affixed thereto the seal of their arms.

Done at London, the 13th day of July, in the year of Our Lord, 1863.

(L. S.) RUSSELL.

(L. S.) BILLE.

(L. S.) BON. GROS.

(L. S.) BRUNNOW.

TREATY BETWEEN GREAT BRITAIN, FRANCE, RUSSIA, AND GREECE,  
RESPECTING THE UNION OF THE IONIAN ISLANDS TO THE KINGDOM  
OF GREECE.<sup>1</sup>

*Signed at London, 29th March, 1864; ratifications exchanged at London,  
25th April, 1864*<sup>2</sup>

(Translation as laid before Parliament)

*Reference to Treaty of 5th November, 1815*

In the name of the Most Holy and Indivisible Trinity

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland made known to the Legislative Assembly of the United States of the Ionian Islands that, with a view to the eventual union of those Islands to the Kingdom of Greece, she was prepared, if the Ionian Parliament should express a wish to that effect, to abandon the protectorate of those Islands, confided to Her Majesty by the treaty concluded at Paris on the 5th November, 1815,<sup>3</sup> between the courts of Great Britain, Austria, Prussia, and Russia. Such wish having been expressed by a vote of the said Legislative Assembly passed unanimously on the 7/19th October, 1863,<sup>4</sup> Her Britannic Majesty consented by Article I of the treaty concluded on the 14th November, 1863,<sup>5</sup>

<sup>1</sup> Hertalet, Map of Europe by Treaty, Vol. III, p. 1589.

<sup>2</sup> The Sultan acceded to this treaty on the 8th April, 1865.

<sup>3</sup> Hertalet, Vol. I, p. 337. <sup>4</sup> *Ibid.*, Vol. II, p. 1565. <sup>5</sup> *Ibid.*, Vol. II, p. 1569.

between Her Majesty, the Emperor of Austria, the Emperor of the French, the King of Prussia, and the Emperor of All the Russias, to renounce the said protectorate under certain conditions specified in that treaty, and since defined by subsequent protocols.

On their part, their Majesties the Emperor of Austria, the Emperor of the French, the King of Prussia, and the Emperor of All the Russias, consented by the same article, and under the same conditions, to accept such renunciation, and to recognize, in conjunction with Her Britannic Majesty, the union of those Islands to the Kingdom of Greece.

In virtue of Article V of the treaty signed at London on the 13th July, 1863, it was moreover agreed by common consent between Her Britannic Majesty and their Majesties the Emperor of the French and the Emperor of All the Russias, that the Ionian Islands, when their union to the Kingdom of Greece should have been effected, as contemplated by Article IV of the same treaty, should be comprised in the guarantee stipulated in favor of Greece by the courts of Great Britain, France, and Russia, in virtue of the convention signed at London on the 7th May, 1832.

In consequence, and in accordance with the stipulations of the treaty of the 13th July, 1863, and with the terms of Article VI of the treaty of the 14th November, 1863, whereby the courts of Great Britain, France, and Russia, in their character of guaranteeing Powers of the Kingdom of Greece, reserved to themselves to conclude a treaty with the Hellenic Government as to the arrangements which might become necessary in consequence of the union of the Ionian Islands to Greece, their said Majesties have resolved to proceed to negotiate with His Majesty the King of the Hellenes a treaty for the purpose of carrying into execution the stipulations above mentioned.

His Majesty the King of the Hellenes having given his assent to the conclusion of such treaty, their said Majesties have named as their plenipotentiaries, that is to say:

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, the Right Honorable John Earl Russell, Viscount Amberley of Amberley and Ardsalle, a Peer of the United Kingdom, a member of Her Britannic Majesty's Privy Council, her Principal Secretary of State for Foreign Affairs;

His Majesty the Emperor of the French, the Sieur Godefroy Bernard Henry Alphonse, Prince de la Tour d'Auvergne Lauraguais, Ambassador Extraordinary and Plenipotentiary to Her Britannic Majesty, etc.;

His Majesty the Emperor of All the Russias, the Sieur Philip Baron de Brunnow, his Actual Privy Councillor, Ambassador Extraordinary and Plenipotentiary to Her Britannic Majesty, etc.;

And His Majesty the King of the Hellenes, the Sieur Charilaüs S. Tricoupi, a representative in the National Assembly of the Hellenes;

Who, after having exchanged their full powers, found in good and due form, have agreed upon and signed the following articles:

*Renunciation of Great Britain to protectorate over the Ionian Islands*

Art. I. Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, desiring to realize the wish expressed by the Legislative Assembly of the United States of the Ionian Islands, that those Islands should be united to Greece, has consented, on the conditions hereinafter specified, to renounce the protectorate over the Islands of Corfu, Cephalonia, Zante, Santa Maura, Ithaca, Cerigo, and Paxo, with their dependencies, which, in virtue of the treaty signed at Paris, on the 5th November, 1815, by the plenipotentiaries of Great Britain, Austria, Prussia, and Russia, were constituted a single free and independent state, under the denomination of "the United States of the Ionian Islands," placed under the immediate and exclusive protection of His Majesty the King of the United Kingdom of Great Britain and Ireland, his heirs and successors.

*Union of Ionian Islands to Greece*

In consequence, Her Britannic Majesty, His Majesty the Emperor of the French, and His Majesty the Emperor of All the Russias, in their character of signing parties to the convention of the 7th May, 1832, recognize such union, and declare that Greece, within the limits determined by the arrangement concluded at Constantinople between the courts of Great Britain, France, and Russia, and the Ottoman Porte, on the 21st July, 1832, including the Ionian Islands, shall form a monarchical, independent, and constitutional state, under the sovereignty of His Majesty King George, and under the guarantee of the three courts.



*Perpetual neutrality of Ionian Islands*<sup>1</sup>

Art. II. The courts of Great Britain, France, and Russia, in their character of guaranteeing Powers of Greece, declare, with the assent of the courts of Austria and Prussia, that the Islands of Corfu and Paxo, as well as their dependencies, shall, after their union to the Hellenic Kingdom, enjoy the advantages of perpetual neutrality.

*Greece to maintain the neutrality*

His Majesty the King of the Hellenes, on his part, to maintain such neutrality.

*Treaties, etc., of commerce and navigation between Great Britain and foreign Powers relative to Ionian Islands to remain in force until conclusion of new treaty.*

Art. III. The union of the Ionian Islands to the Hellenic Kingdom shall not involve any change as to the advantages conceded to foreign commerce and navigation in virtue of treaties and conventions concluded by foreign Powers with Her Britannic Majesty, in her character of protector of the Ionian Islands.

All the engagements which result from the said transactions, as well as from the regulations actually in force in relation thereto, shall be maintained and strictly observed, as hitherto.

In consequence, it is expressly understood that foreign vessels and commerce in Ionian ports, as well as the navigation between Ionian ports and the ports of Greece, shall continue to be subject to the same treatment, and placed under the same conditions as before the union of the Ionian Islands to Greece, until the conclusion of new formal conventions, or of arrangements destined to regulate between the parties concerned, questions of commerce and navigation, as well as questions relating to the regular service of communication by post.

*Terms within which new commercial treaties are to be concluded*

Such new conventions shall be concluded in fifteen years, or sooner, if possible.<sup>2</sup>

<sup>1</sup> A protocol on this subject was also signed between the five Powers on the 25th January, 1864.

<sup>2</sup> The Austrian and Prussian Governments assented to this arrangement.

*Freedom of worship and religious toleration*

Art. IV. The union of the United States of the Ionian Islands to the Kingdom of Greece shall in no wise invalidate the principles established by the existing legislation of those Islands with regard to freedom of worship and religious toleration; accordingly the rights and immunities established in matters of religion by Chapters I and V of the Constitutional Charter of the United States of the Ionian Islands,<sup>1</sup> and specifically the recognition of the Orthodox Greek Church as the dominant religion in those Islands; the entire liberty of worship granted to the established Church of the protecting Power; and the perfect toleration promised to other Christian communions shall, after the union, be maintained in their full force and effect.

The special protection guaranteed to the Roman Catholic Church, as well as the advantages of which that church is actually in possession, shall be equally maintained; and the subjects belonging to that communion shall enjoy in the Ionian Islands the same freedom of worship which is recognized in their favor by the protocol of the 3d February, 1830.

The principle of entire civil and political equality between subjects belonging to different creeds, established in Greece by the same protocol, shall be likewise in force in the Ionian Islands.

*Provision of Ionian Islands towards the civil list of the King of the Hellenes*

Art. V. The Legislative Assembly of the United States of the Ionian Islands has decreed by a resolution passed on the 7/19th October, 1863, that the sum of £10,000 sterling a year shall be appropriated, in monthly payments, to the augmentation of the civil list of His Majesty the King of the Hellenes, so as to constitute the first charge upon the revenue of the Ionian Islands, unless provision be made for such payment, according to the constitutional forms, out of the revenues of the Kingdom of Greece.

In consequence, His Majesty the King of the Hellenes engages to carry that decree duly into execution.

<sup>1</sup> Ratified by the Sovereign of Great Britain on the 26th August, 1817.

*Relinquishment by protecting Powers of portion of the annual sums to be paid to them by Greece*

Art. VI. Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, His Majesty the Emperor of the French, and His Majesty the Emperor of All the Russias, agree to relinquish in favor of His Majesty King George I, each £4,000 sterling a year, out of the sums which the Greek Treasury has engaged to pay annually to each of them, in virtue of the arrangement concluded at Athens by the Greek Government, with the concurrence of the Greek Chambers, in the month of June, 1860 (No. 318).

*Amounts relinquished to form personal dotation of King of Greece*

It is expressly understood that these three sums, forming a total of £12,000 sterling annually, shall be destined to constitute a personal dotation of His Majesty King George I, in addition to the civil list fixed by the law of the state. The accession of His Majesty to the Hellenic throne shall not otherwise involve any change in the financial engagements which Greece has contracted by Article XII of the convention of 7th May, 1832, towards the Powers guaranties of the loan, nor in the execution of the engagement taken by the Hellenic Government in the month of June, 1860, upon the representation of the three courts.<sup>1</sup>

*Contracts between Ionian Islands and foreign Powers to be maintained by King of the Hellenes*

Art. VII. His Majesty the King of the Hellenes engages to take upon himself all the engagements and contracts lawfully concluded by the Government of the United States of the Ionian Islands, or in their name, by the protecting Power of those Islands, conformably to the Constitution of the Ionian Islands, whether with foreign governments, with companies and associations, or with private individuals; and promises to fulfil the said engagements and contracts fully and completely, as if they had been concluded by His Majesty or by the Hellenic Government. Under this head are specially included: the public debt of the Ionian Islands; the privileges conceded to the Ionian Bank, to the navigation company known under the name of the

<sup>1</sup> An Act of Parliament was passed on the 14th July, 1864 (27th and 28 Vict., cap. 40), to give effect to this arrangement.

Austrian Lloyds, in conformity with the postal convention of the 1st December, 1853, and to the Malta and Mediterranean Gas Company.

*Pensions, etc., to British and Ionian subjects to be paid by Greece*

Art. VIII. His Majesty the King of the Hellenes promises to take upon himself, —

1. The pensions granted to British subjects by the Ionian Government, in conformity with the rules established in the Ionian Islands respecting pensions.

2. The compensation allowances due to certain individuals actually in the service of the Ionian Government, who will lose their employments in consequence of the union of the Islands to Greece.

3. The pensions which several Ionian subjects are in the enjoyment of, in remuneration of services rendered to the Ionian Government.

*Special convention to regulate amounts*

A special convention to be concluded between Her Britannic Majesty and His Majesty the King of the Hellenes shall determine the amounts of these different heads, and shall regulate the mode of their payment.<sup>1</sup>

*Withdrawal of British forces from the Ionian Islands*

Art. IX. The civil authorities and the military forces of her Britannic Majesty shall be withdrawn from the territory of the United States of the Ionian Islands in three months or sooner, if possible, after the ratification of the present treaty.<sup>2</sup>

*Ratifications*

Art. X. The present treaty shall be ratified and the ratifications shall be exchanged at London in six weeks, or sooner, if possible.

In witness whereof the respective plenipotentiaries have signed the same, and have affixed thereto the seal of their arms.

Done at London, the 29th of March, in the year of Our Lord, 1864.

(L. S.) RUSSELL.

(L. S.) CH. TRICOUPI.

(L. S.) LA TOUR D'AUVERGNE.

(L. S.) BRUNNOW.

<sup>1</sup> Convention of same date. Hertalet, Vol. III, p. 1596.

<sup>2</sup> See protocol of 28th May, 1864. Hertalet, Vol. III, p. 1606.

DIPLOMATIC DOCUMENTS, 1913-1917, ISSUED BY THE  
GREEK GOVERNMENT CONCERNING THE GRECO-  
SERBIAN TREATY OF ALLIANCE AND THE GERMANO-  
BULGARIAN INVASION IN MACEDONIA.<sup>1</sup>

PART FIRST

THE GRECO-SERBIAN TREATY OF ALLIANCE

I. TEXTS

No. 1

PROTOCOL CONCERNING THE CONCLUSION OF A TREATY OF ALLIANCE  
BETWEEN GREECE AND SERBIA

*Signed, April 22/May 5, 1913.*

His Excellency Mr. Lambros A. Coromilas, Minister for Foreign Affairs of Greece, and His Excellency Mr. Mathias Boschkovitch, Minister of Serbia in Athens, acting on behalf of their governments and in accordance with their instructions, held a conference today and agreed as follows:

1

The Governments of Greece and Serbia bind themselves to conclude and sign a treaty of amity and of defensive alliance within the period of twenty days from the signature of the present instrument.

<sup>1</sup> These documents, together with the preceding list of papers in the Table of Contents, cited as the Greek White Book, translated from the Greek and French, by Mr. Theodore P. Ion, of the Bars of New York and the District of Columbia.

The documents contained in the present book were laid before the Hellenic Chamber at the meeting of August 4/17, 1917.

The words in brackets take the place of illegible words of the texts of the telegrams. Wherever it has been impossible to complete the meaning the statement [words illegible] has been inserted.

The dates indicated in the body of the documents are those of the Julian calendar. — TRANSLATOR.

## 2

It will be covenanted in that treaty that the two governments will give mutual aid to each other in order that Greece and Serbia may have contiguous boundaries to the west of the Axios (Vardar) river and that the fixing of the new boundaries shall be done in principle on the basis of effective possession.

The general direction of this boundary shall be as follows:

Starting from the mountain range of Kamena Planina (Kamna) which delimits the high Schkoumbi to the southwest side of the Ochrida Lake, the boundary line will pass round this lake to the south; it will reach the western shore of the Prespa Lake to the Kousko village, and passing through the lake it will reach Dolni Dupliani on the eastern shore; from there it will pass in the direction of the east near Rahmanli, will follow the line of the separation of the waters between the Erigon (Tserna) river and the Moglenica and will reach the Axios (Vardar) river at about three kilometers to the south of Ghevgheli.

The Greco-Bulgarian as well as the Serbo-Bulgarian boundary lines shall be fixed on the basis of the principle of effective possession and the equilibrium between the three states.

The Serbian boundary line to the north of Ghevgheli will follow the Axios (Vardar) river as far as the confluence of the Bregalnitza river, which it will ascend to a point of the old Turkish-Bulgarian boundary.

The Greco-Serbian boundary line will run to the south of Kilkitch, to the north of Nigrita, through Orliako, and from there, by the Achinos (Tachinos) lake and the Angitis (Anghista) river, will descend to the sea a little further to the east of the harbor of Eleutherai.

All these boundary lines will be fixed in a more detailed manner and will be inserted in the text of the aforesaid treaty of alliance.

## 3

The Governments of Greece and Serbia bind themselves to proceed together, to afford to each other constant assistance in the negotiations which will be opened in regard to the division of the territories ceded by Turkey, and to mutually support the boundary lines indicated above, between Greece and Serbia, Greece and Bulgaria, Serbia and Bulgaria.

## 4

Should a dissension arise with Bulgaria in regard to the boundaries above indicated and a friendly settlement become impossible, the Governments of Greece and Serbia reserve to themselves the right to propose jointly to Bulgaria that the dispute be submitted to mediation or arbitration. In case Bulgaria should refuse to accept this manner of peaceful settlement and assume a menacing attitude or attempt to impose her claims by force, the two governments, in order to secure the integrity of their possessions, bind themselves to afford to each other military assistance and not to conclude peace except jointly and together.

## 5

A military convention shall be concluded with the least possible delay for the purpose of preparing and insuring the necessary defensive measures in case one of the two states, without provocation on its part, should be attacked by a third Power.

## 6

. . . . .

## 7

The Greek Government binds itself to afford all the facilities and to guarantee for fifty years the entire freedom of the Serbian export and import trade through the port of Salonika and the railway lines from Salonika to Uskup and Monastir.

## 8

The present instrument shall be kept strictly secret.

Done in duplicate, Athens, the twenty-second day of April in the year one thousand, nine hundred and thirteen.

*The Minister of Foreign Affairs  
of Greece.*

L. A. COROMILAS.

*The Minister of  
Serbia.*

M. BOSCHKOVITCH.

## No. 2

TREATY OF ALLIANCE BETWEEN THE KINGDOM OF GREECE AND THE  
KINGDOM OF SERBIA

*Signed, May 19/June 1, 1913; ratifications exchanged at Athens,  
June 8/21, 1913.*

His Majesty the King of the Hellenes and His Majesty the King of Serbia, considering that it is their duty to look after the security of their people and the tranquillity of their kingdoms; considering furthermore, in their firm desire to preserve a durable peace in the Balkan Peninsula, that the most effective means to attain it is to be united by a close defensive alliance;

Have resolved to conclude an alliance of peace, of friendship, and of mutual protection, promising to each other never to give to their purely defensive agreement an offensive character, and for that purpose they have appointed as their plenipotentiaries:

His Majesty the King of the Hellenes; Mr. John Alexandropoulos, his Minister at Belgrade, Commander of the Royal Order of the Savior, Grand Commander of the Royal Order of Takovo; His Majesty the King of Serbia; Mr. Mathias Boschkovitch, his Minister at Athens, Grand Commander of the Royal Order of Saint Sava, Commander of the Royal Order of the Savior, who, after having exchanged their full powers found in good and due form, have today agreed as follows:

## ARTICLE 1

The two high contracting parties covenant expressly the mutual guarantee of their possessions and bind themselves, in case, contrary to their hopes, one of the two kingdoms should be attacked without any provocation on its part, to afford to each other assistance with all their armed forces and not to conclude peace subsequently except jointly and together.

## ARTICLE 2

At the division of the territories of European Turkey, which will be ceded to the Balkan States after the termination of the present war by the treaty of peace with the Ottoman Empire, the two high contracting parties bind themselves not to come to any separate under-



standing with Bulgaria, to afford each other constant assistance, and to proceed always together, upholding mutually their territorial claims and the boundary lines hereafter to be indicated.

### ARTICLE 3

The two high contracting parties, considering that it is to the vital interest of their kingdoms that no other state should interpose between their respective possessions to the west of the Axios (Vardar) river, declare that they will mutually assist one another in order that Greece and Serbia may have a common boundary line. This boundary line, based on the principle of effective occupation, shall start from the highest summit of the mountain range of Kamna, delimiting the basin of the Upper Schkoumbi, it shall pass round the lake Achris (Ochrida), shall reach the western shore of the Prespa lake in the Kousko village and the eastern shore to the Lower Dupliani (Dolni Dupliani), shall run near Rahmanli, shall follow the line of separation of the waters between the Erigon (Tserna) river and Moglenica and shall reach the Axios (Vardar) river at a distance of nearly three kilometers to the south of Ghevgheli, according to the line drawn in detail in Annex I of the present treaty.

### ARTICLE 4

The two high contracting parties agree that the Greco-Bulgarian and Serbo-Bulgarian boundary lines shall be established on the principle of actual possession and the equilibrium between the three states, as follows:

The eastern frontier of Serbia from Ghevgheli shall follow the course of the Axios (Vardar) river up to the confluence of Bojimia-Dere, shall ascend that river, and, passing by the altitudes 120, 350, 754, 895, 571, and the rivers Kriva, Lakavitza, Bregalnica and Zletovska shall proceed towards a point of the old Turkish-Bulgarian frontier on the Osogovska Planina, altitude 2225, according to the line drawn in detail in the Annex II of the present treaty.

The Greek frontier on the side of Bulgaria shall leave to Greece on the left shore of Axios (Vardar) the territories occupied by the Greek and Serbian troops opposite Ghevgheli and Davidovo as far as the mountain Beles and the Doiran lake; then, passing to the south of Kil-kitch it shall run through the Strymon river by the north of the Orliako

bridge and shall proceed through the Achinos (Tachinos) lake and the Angitis (Anghista) river to the sea, a little to the east of the Gulf of Eleutherai according to the line drawn in detail in the Annex III of the present treaty.

#### ARTICLE 5

Should a dissension arise with Bulgaria in regard to the frontiers as indicated above, and if every friendly settlement becomes impossible, the two high contracting parties reserve to themselves the right to propose by common agreement, to Bulgaria, that the dispute be submitted to the mediation or arbitration of the sovereigns of the Entente Powers or the chiefs of other states. In case Bulgaria shall refuse to accept this manner of peaceful settlement and assume a menacing attitude against either of the two kingdoms, or attempt to impose her claims by force, the two high contracting parties bind themselves solemnly to afford assistance to each other with all their armed forces and not to conclude peace subsequently except jointly and together.

#### ARTICLE 6

In order to prepare and to secure the means of military defense, a military convention shall be concluded with the least possible delay from the signature of the present treaty.

#### ARTICLE 7

His Majesty the King of the Hellenes covenants that his government shall grant all the necessary facilities and guarantees for a period of fifty years for the complete freedom of the export and import trade of Serbia through the port of Salonika and the railway lines from Salonika to Uskup and Monastir. This freedom shall be as large as possible, provided only it is compatible with the full and entire exercise of the Hellenic sovereignty.

A special convention shall be concluded between the two high contracting parties within one year from this day in order to regulate in detail the carrying out of this article.

#### ARTICLE 8

The two high contracting parties agree that upon the final settlement of all the questions resulting from the present war, the General Staffs of

the two armies shall come to an understanding with the view of regulating in a parallel manner the increase of the military forces of each state.

#### ARTICLE 9

The two high contracting parties agree furthermore that, upon the final settlement of all the questions resulting from the present war, they will proceed by common agreement to the study of a plan of a custom convention, in order to draw closer the commercial and economic relations of the two countries.

#### ARTICLE 10

The present treaty shall be put in force after its signature. It can not be denounced before the expiration of ten years. The intention for the cessation of its force shall be notified by one of the two high contracting parties to the other six months in advance, in the absence of which the agreement shall continue to be binding upon the two states until the expiration of one year from the date of the denunciation.

#### ARTICLE 11

The present treaty shall be kept strictly secret. It can not be communicated to another Power either totally or partially, except with the consent of the two high contracting parties.

It shall be ratified as soon as possible. The ratifications shall be exchanged in Athens.

In faith whereof the respective plenipotentiaries have signed this treaty and affixed their seals.

Executed in Salonika, in duplicate, the nineteenth day of May in the year one thousand nine hundred and thirteen.

JOHN ALEXANDROPOULOS.

M. BOSCHKOVITCH.

## No. 3

MILITARY CONVENTION BETWEEN THE KINGDOM OF GREECE AND THE  
KINGDOM OF SERBIA

*Signed, May 1/14, 1913.<sup>1</sup>*

His Majesty the King of the Hellenes and His Majesty the King of Serbia, desiring to complete the treaty of alliance concluded between the Kingdom of Greece and the Kingdom of Serbia, by a military convention, have appointed for that purpose as their plenipotentiaries:

His Majesty the King of the Hellenes, Captain John Metaxas, of the Corps of Engineers and of the General Staff of the Army; His Majesty the King of Serbia, Colonel Petar Pechitch of the General Staff, and Colonel Douchan Toufegdjitch, of the Infantry, who, after having communicated to each other their full powers found in good and due form, have agreed as follows:

## ARTICLE 1

In case of war between Greece and Bulgaria or between Serbia and Bulgaria, or in case of a sudden attack by the Bulgarian army against the Greek or the Serbian army, the two states, namely Greece and Serbia, promise to each other mutual military assistance, Greece with all her land and sea forces, and Serbia with all her land forces.

## ARTICLE 2

In the beginning of the hostilities, at whatever moment they begin, Greece is bound to have an army of ninety thousand fighting men concentrated in the region between the Pangaion Mountain, Salonika and Goumenitsa, and Serbia an army of one hundred and fifty thousand fighting men concentrated in the region of Ghevgheli, Veless (Kioprulu), Koumanovo, Pirot. Besides, Greece is at the same time bound to have her fleet in the Ægean Sea ready for action.

<sup>1</sup> The present military convention was signed at referendum, but was not ratified. It was replaced by the military convention of May 19/June 1, 1913, printed *infra*, p. 96.

## ARTICLE 3

The two states are bound to transport to the zone of operations the remainder of their military forces, as soon as these shall become available.

## ARTICLE 4

A decrease of the forces mentioned in Article 2, either by demobilization or the transportation of troops elsewhere, is not permitted, unless there is a written agreement to that effect between the General Staffs of the armies of the two allied states.

## ARTICLE 5

The military operations against Bulgaria shall be based upon a common plan of operations. This plan of operations will be drawn up by the respective General Staffs of the two states, or by their delegates. It may subsequently be modified in consequence of a change of the military situation by a common agreement in writing of the two General Staffs.

## ARTICLE 6

After the opening of hostilities, whatever the course of the military operations might be and whatever the localities through which, during the military operations, the troops of the one or the other allied states may pass, and whatever the cities, villages or positions which may be occupied by these troops for military necessities, the occupation of the country lying beyond the boundary line between Greece and Serbia on one part and Bulgaria on the other, as provided for by the Greco-Serbian Treaty of Alliance, of which the present convention is a complement, is regulated as follows:

The Greek army has the right to occupy the country situated to the south and southeast of the line of Gradec, the crest line of the Beles Mountain, a summit 1800 to the northwest of Karakioi, — altitude 2194 Perelik; the Serbian army, the country lying to the north and northwest of the said line.

If during the military operations one of the two armies shall occupy part of the country, cities, or villages situated in the zone which should be occupied by the other army, it shall evacuate them as soon as the army which, according to the previous paragraph, has the right to their occupation, demands it.

## ARTICLE 7

The ultimate object of the military operations of the allied Greek and Serbian armies being the destruction of the military forces of Bulgaria, if one of the two armies can not attain that object in its own theatre of operations, it is bound to accept the assistance of the other army in the same theatre of operations. Still, the army which attains that object in its own theatre of operations is bound to go to the assistance of the other, independently of the fact that this assistance was asked or not, in order that by a common action of the two allied armies, Bulgaria may be forced to submit to the conditions laid down by the two allied states and to conclude peace.

## ARTICLE 8

Neither of the two allied armies can conclude an armistice of a duration of more than twenty-four hours nor tacitly suspend hostilities.

An armistice of a duration of more than twenty-four hours can not be concluded except upon a joint agreement in writing of the two allied states; this agreement shall at the same time determine the conditions of the armistice.

## ARTICLE 9

The present convention shall be valid as long as the treaty of alliance between Greece and Serbia, of which it forms a complement, remains in force.

Article 2 of the present convention may be modified by a joint agreement in writing of the General Staffs of the two respective states, after the passing of the present crisis and the issuance of the order of demobilization.

## ARTICLE 10

The present convention shall come into force from the day of its ratification by their Majesties the King of the Hellenes and the King of Serbia, or by the respective governments of the allied states.

In faith thereof, the plenipotentiaries have signed the present convention.

Done in duplicate, in Salonika, the first day of May in the year 1913.

For Greece:

Captain J. P. METAXAS.

For Serbia:

Colonel PETAR PECHITCH.

Colonel DOUCHAN TOUFEGDJITCH.

## No. 4

MILITARY CONVENTION BETWEEN THE KINGDOM OF GREECE AND  
THE KINGDOM OF SERBIA

*Signed, May 19/June 1, 1913; ratifications exchanged at Athens,  
June 8/21, 1913.*

His Majesty the King of the Hellenes and His Majesty the King of Serbia, desiring to complete the treaty of alliance concluded between the Kingdom of Greece and the Kingdom of Serbia, by a military convention, have appointed for that purpose as their plenipotentiaries:

His Majesty the King of the Hellenes, Captain Xenophon Stratigos, of the Corps of Engineers, and of the General Staff of the Army; His Majesty the King of Serbia, Colonel Petar Pechitch, of the General Staff, and Colonel Douchan Toufegdjitch, of the Infantry, who, after having communicated to each other their full powers, found in good and due form, have agreed as follows:

## ARTICLE 1

In case of war between one of the allied states and a third Power, arising in the circumstances provided for by the treaty of alliance between Greece and Serbia, or in case of a sudden attack by important masses — at least two divisions — of the Bulgarian army against the Hellenic or Serbian army, the two states, namely Greece and Serbia, promise to each other mutual military support, Greece with all her land and sea forces, and Serbia with all her land forces.

## ARTICLE 2

In the beginning of the hostilities, at whatever moment they begin, Greece is bound to have an army of ninety thousand fighting men concentrated in the region between the Pangaion Mountain, Salonika, and Goumenitsa, and Serbia an army of one hundred and fifty thousand fighting men concentrated in the region of Ghevgheli, Veless (Kioprulu), Koumanovo, Pirot. Besides, Greece is bound to have at the same time her fleet in the Ægean Sea ready for action.

## ARTICLE 3

The two states are bound to bring to the zone of operations their remaining military forces, as soon as these shall be available.

## ARTICLE 4

A decrease of the forces mentioned in Article 2, either by demobilization or by the transportation of troops elsewhere, is not permitted, unless it be after a written agreement between the General Staffs of the armies of the two allied states.

But if Greece, in the case provided in Article 1, should, at the same time, be found in the necessity of defending herself against an attack of a Power other than Bulgaria, she shall be bound to go to the assistance of Serbia, attacked by Bulgaria, by a number of troops fixed by a joint agreement in due time between the two General Staffs, according to the military situation and in consideration of the security of the territory of the Kingdom of Greece.

Inversely, if Serbia should be in need of defending herself against an attack by a Power other than Bulgaria, she shall be bound to go to the assistance of Greece, attacked by Bulgaria, by a number of troops fixed by common agreement in due time between the two General Staffs, according to the military situation, and in consideration of the security of the territory of the Kingdom of Serbia.

## ARTICLE 5

In case one of the contracting parties shall declare war against Bulgaria or against another Power, without a previous agreement and the consent of the other contracting party, the latter shall be released from the obligations imposed by Articles 1 and 2 of the present convention. It shall nevertheless maintain a benevolent neutrality towards its ally during the continuation of the war and shall be bound to mobilize immediately in its territory, Greece, at least forty thousand fighting men and Serbia at least fifty thousand fighting men, in such a manner as to protect its neutrality and consequently the liberty of the movements of the allied army.

## ARTICLE 6

The military operations against Bulgaria shall be based on a common plan of operations. This plan of operations shall be drawn up by the respective General Staffs of the two states or by their delegates. It may be subsequently modified in consequence of a change of the military situation, by a joint agreement in writing of the two General Staffs.



## ARTICLE 7

After the opening of the hostilities, whatever the course of the military operations might be and whatever the places through which, during the military operations, the troops of the one or the other of the allied states pass, and whatever may be the cities, villages or positions occupied by these troops for military necessities, the final occupation of the country lying beyond the boundary line between Greece and Serbia on one side and Bulgaria on the other, provided for by the treaty of alliance between Serbia and Greece, of which the present convention forms a complement, is regulated as follows:

Greece has the right to occupy definitely and to annex the country lying to the south and east of the line which, starting from a point on the Vardar immediately to the north of Sehovo, passes between the villages of Bogoroditsa and Mazucovo, afterwards by the crest line between the villages of Selimli and Dautli, it proceeds towards the altitudes 535, 227, runs through the lake proceeding towards the altitude 208, and afterwards towards the altitudes 397, 1494, the crest line of the Beles Mountain, a summit of 1800 M to the northwest of Karakioi up to altitude 2194 (Perelik).

Serbia has the right to occupy definitely and to annex the country lying to the north and the northwest of the said line.

Greece concedes that Serbia shall occupy a zone of territory of a width of ten kilometers, lying on the left shore of Nestos—Mesta (Karassou), to the north of Xanthi and to the east of Buru-Gözü. Serbia, on the other hand, is bound to allow Greece to have freedom of passage through this zone and declares that she recognizes the influence of Greece in all the territory lying to the east of this zone and recognizes that she has no claim whatever upon it.

If, during the military operations, one of the two armies occupies part of the country, cities or villages, situated in the zone which should be occupied by the other army, it is bound to evacuate them as soon as the army which, according to the previous paragraph, has the right to their occupation, demands it.

## ARTICLE 8

The ultimate object of the military operations of the allied Greek and Serbian armies being the destruction of the military forces of Bulgaria, if one of the two armies can not attain that object in its own

theatre of operations, it is bound to accept the assistance of the other in the same theatre [of operations]. Still, the army which has attained this object in its own theatre of operations is bound to go to the assistance of the other, independently of the fact that this assistance was asked for or not, in order that by a joint action of the two allied armies, Bulgaria may be forced to submit to the conditions laid down by the two allied states and conclude peace.

#### ARTICLE 9

Neither of the two allied armies can conclude an armistice of more than twenty-four hours duration nor tacitly suspend hostilities.

An armistice of more than twenty-four hours duration can not be concluded except upon a joint agreement in writing of the two allied states. This agreement shall at the same time determine the conditions of the armistice.

#### ARTICLE 10

The allied armies will mutually enjoy, the one on the territory of the other high contracting party, all the rights and privileges granted to the armies of the country (national) by virtue of the laws and ordinances in force, except in matters of requisitions, general maintenance, revictualling, sanitary service, transportation of the wounded and sick, burial of the dead, and the transportation of all the material and provisions destined for the use of the troops. For such purposes the military and civil authorities of the two contracting parties are bound to render every assistance and service requested by the allied armies.

The payment of the purchases made for the needs of the army of one of the two allied states stationed in the territory of the other, shall be made regularly in cash, according to market price. In exceptional cases payments may be made by vouchers placed at the disposal of the allied army and at its request by the proper authorities of the other ally.

The current rate of the Greek and Serbian coin or paper money shall be fixed by a joint agreement of the two allied governments. It goes without saying that in the territories taken from the enemy and occupied by the allied armies, the two contracting parties shall enjoy in regard to the maintenance and the revictualling of their troops the rights conceded by the laws of war.

Each allied army shall enjoy these privileges only in the territory which belongs to its own zone of occupation, as such zone is indicated in Article 6 of the present convention. The expenses for the transportation of troops, all necessary material in general, war booty, etc., by railways or ships, shall be borne by the contracting state in whose territory such transportations shall be effected.

#### ARTICLE 11

The war booty shall belong to the allied army which captured it.

In case the booty is captured in a common battle of the allied armies, on the same battle-field, it shall be divided in proportion to the number of fighting men of the two armies who participated in it.

#### ARTICLE 12

The present convention shall be valid as long as the treaty of alliance between Greece and Serbia, of which it forms a complement, remains in force. Article 2 of the present convention may be modified by a joint agreement in writing of the General Staffs of the two respective states, after the passing of the present crisis and demobilization is ordered.

#### ARTICLE 13

The present convention shall come into force from the day of its ratification by their Majesties the King of the Hellenes and the King of Serbia, or by the respective governments of the allied states.

In faith whereof the plenipotentiaries have signed the present convention.

Done in duplicate, in Salonika, the nineteenth day of May in the year 1913.

For Greece:

X. STRATIGOS.

For Serbia:

Colonel PETAR PECHITCH.

Colonel DOUCHAN TOUFEGDJITCH.

## II. NEGOTIATIONS

No. 5

*Mr. L. Coromilas, Minister for Foreign Affairs, to Mr. J. Alexandropoulos, Minister of Greece at Belgrade.*

(Telegram)

*ATHENS, May 10/23, 1913.*

We have just received your telegram about the note which the Serbian Government will send to Sofia. Notwithstanding the Bulgarian attack, which is becoming general at Pangaion, we did not wish to take the offensive and march against Serres — which would have compelled the Bulgarians to change their attitude — in order not to find ourselves unexpectedly in a state of war. But the situation can not be protracted, because it is very dangerous and we should make a decision. The time for the signature of the treaty expires on the 12th of May (O. S.) and it is necessary that it should be signed in Belgrade. You have by telegram the text of the full powers which we shall send to you by special courier. You can sign before it reaches you.

In regard to the modifications to be made in the secret treaty, which are mentioned in your telegram of the 9th instant, accept that in Article 5 by inserting after the words "to mediation or arbitration" the words "of the sovereigns of the Entente Powers or the chiefs of other states." Accept equally the omission of the words "the soonest." In the same article instead of the wording "the two high contracting parties reserve to themselves the right to propose, etc." we prefer the original wording "the two high contracting parties will propose, etc." As I informed you by my communication of April 30, the change of the verb "will propose" to "reserve to themselves" was due to the omission of the words which they now accept. We also accept that the second paragraph of Article 4 should be worded as follows: "The eastern Serbian frontier will follow from Ghevgheli the Axios river, etc."

In regard to the modifications of the military convention, Article 1, according to your telegrams, would be worded as follows: "In case of war between the two allied states and another state, entered into under the circumstances provided for in Article 5 (the number

is missing in your telegram) of the treaty of alliance between Greece and Serbia, or in case of a sudden attack of the Bulgarian army against the Greek or Serbian army, the two states, namely Greece and Serbia, promise to each other — (up to:) all her land forces." We accept it in the above wording.

In regard to the provisions of Article 6 of the convention, we give you full liberty to negotiate on them, trying to improve them and at last to accept them, if there is no way of doing otherwise. You will have in that the aid of Captain Stratigos. Try to finish the earliest possible.

Offer our thanks to the Serbian Government for their step at Sofia. As soon as it presents a note for the revision, we can accelerate our joint steps, in order to hasten the negotiations of partition.

COROMILAS.

No. 6

*Mr. J. Alexandropoulos, Minister of Greece at Belgrade, to Mr. L. Coromilas, Minister for Foreign Affairs, Athens.*

(Telegram)

BELGRADE, May 10/23, 1913.

I communicate the following telegram drawn up by Captain Stratigos:

After an understanding with the President of the Ministerial Council and in the presence of Colonel Toufegdjitch, who signed the military convention in Salonika, the Minister of Serbia at Athens handed to us a memorandum containing the modifications proposed by the Serbians in Articles 1 to 6 of the military convention signed in Salonika. He wishes urgently to have an answer on these propositions.

In regard to Article 1st, the Serbians propose to modify it as follows: "In case of war between one of the two allied states and a third Power, entered into under the circumstances provided for by Article — of the treaty of alliance between Greece and Serbia, or in case of a sudden attack." The remainder is not modified. This article as it is worded in Salonika, from the military point of view is more advantageous to us, while as it is now worded, it serves only the interests of Serbia. The strictly defensive character of the alliance is to the advantage of the Serbians, who do not claim from the Bulgarians more than what they possess today, while it deprives us of the right to claim all the territory which has been

determined in the protocol to the south of the Kilkitch-Orliaco line, occupied now entirely by the Bulgarians, inasmuch as an advance on our part with the view of occupying these points might be interpreted by the Serbians as a provocation. Besides, this strictly defensive character contributes in leaving to Bulgaria every initiative and liberty of action, which from the military point of view is very disadvantageous. The extension of the alliance not only against Bulgaria but also against any third Power is, from the military standpoint, detrimental to our interests and favorable only to the Serbians. In fact, the latter have but land frontiers and have as neighbors more states than we have with whom they could at a given time come into conflict, in which case we would be obliged to assist them; on the contrary, it is only with Bulgaria that we can come in conflict by land and it is in that case only that the help of Serbia could be useful to us. For our eventual differences with other Powers who could attack us by sea, the assistance of Serbia would be nothing. So, in order to bring into harmony Article 1st of the military convention with the respective provisions of the treaty of alliance, we venture to suggest that it would perhaps be more advantageous to modify the respective provisions of the treaty of alliance according to the exigencies of our military interest.

As for Article 6 of the military convention the Serbians demand to modify it as follows:

After the beginning of the hostilities, whatever the course of the military operations might be and whatever the places through which, during the military operations, the troops of one or the other of the allied states go through and whatever might be the cities, villages or localities which may be occupied by these troops for the sake of military necessities, the occupation of the territories situated to the east of the Serbian frontier on the Vardar (Axios) river, as it is determined by the treaty of alliance between Serbia and Greece, of which the present convention forms a complement, is regulated as follows:

The Greek army has the right to occupy the territories situated to the south and the southeast of the line, which, starting about three kilometers to the south of Ghevgheli on the Vardar, proceeds towards the east between the villages Bogoroditcha and Mazucovo, to the north of the village Selimli, to the south of Dautli, and from there ascends up to the altitude 535, it proceeds towards the altitude 420, by Hissar-Tepe; altitude 127, altitude 217, altitude 490, altitude 576, from there by the mountain range of the Kroussa Balkans up to the altitude 645 [to] the Butkova lake and reaches the Strouma river, from which it [words illegible] towards the altitude 1800, to the north of Karakioi, altitudes 2194, 4038, 8994, 8475. The Serbian army has the right to occupy the territories situated to the north of the same line. If during the course of the operations . . . etc.

The Serbians claim this line, as it is fixed above, alleging that in case of a successful war against Bulgaria, we shall be sufficiently compensated by an extension of our frontier to the east. Such a proposition — which in every other circumstance may be worthy of

discussion — should now be rejected, not so much because we shall be deprived of a sufficiently large extent of a rich country, but especially for purely military reasons; because by accepting the line proposed by the Serbians we shall find ourselves, even after a successful war against Bulgaria, deprived of natural and strong boundaries to the north of Salonika, such as Mount Beles would constitute. Mount Beles and, to the east, the narrow pass of Demir Hissar in the hands of another state would give to her the advantage of being able to concentrate against us her army in the valley of Strouma and have it advanced towards the plain of Serres and Salonika. Our occupation of Milovitsa and the narrow pass would oblige it on the contrary to concentrate itself much more to the north and delay greatly its advance, which would be an incalculable benefit and greatly favorable to a possible operation in that region. Another very great inconvenience offered by the proposed line is that it would deprive us of an entire portion of the Salonika-Serres Railway line, from Kilindir to the Hani-Derven Bridge, on the Strouma. The building of a new railway line from Salonika to Serres passing beyond the proposed boundaries, would meet great difficulties on account of the very configuration of the ground.

ALEXANDROPOULOS.

No. 7

*Mr. J. Alexandropoulos, Minister of Greece at Belgrade, to Mr. L. Coromilas, Minister for Foreign Affairs, Athens.*

(Telegram)

BELGRADE, May 13/26, 1913.

I communicate to you the following telegram of Captain Stratigos:

The modifications of the military convention, which the Serbians demand, after a study by their General Staff, are as follows:

Article 1. In case of war against one of the two states, entered into, in the circumstances provided for in Article 1 of the treaty of alliance between Greece and Serbia, or in case of a sudden attack of important masses of the Bulgarian army against the Greek or Serbian army, the two states, namely Greece and Serbia, promise to each other mutual support, Greece by all her military forces on land and sea and Serbia by all her military forces on land.

They demand that this formula should be final, and insist that this article should be connected not with the fifth of the treaty which anticipates a war against Bulgaria only, but with Article 1, which extends the alliance against other states, and this because they add that if it referred only to Bulgaria they would not have needed our alliance. Furthermore, it seems that after the last encounters they add the words "important masses." It seems to me that we

can accept this latter point, provided a clear formula is found capable of avoiding misunderstandings. As to the connection of this article either with the first or fifth articles of the treaty of alliance, as this is a principal question, I shall await your instructions.

Article 2. They demand that the Greek army shall be increased from 90,000 to 100,000 fighting men. I think that we can accept this modification.

Article 3 unchanged.

Article 4. The Serbians add a second paragraph which is as follows:

But if Serbia, in the case provided for in Article 1, finds herself at the same time in the necessity of defending herself against an attack on the part of another Power than Bulgaria, she will be bound to go to the assistance of Greece, attacked by Bulgaria, by all her available military forces. Inversely, if Greece is found in the necessity of defending herself against the attack of a Power other than Bulgaria, she will be bound to go to the assistance of Serbia, attacked by Bulgaria, by all her available military forces.

This addition is acceptable in principle. I have proposed that it should be worded in a manner insuring a convenient utilization of the military forces according to the military necessities and in a manner so as to avoid every cause of abuse.

After this article they propose:

In case one of the contracting parties should declare war against Bulgaria or against another Power, without the previous agreement and consent of the other contracting party, the latter will be freed from the obligations imposed by Articles 1 and 2 of the present convention. Still, it should observe a benevolent neutrality towards its ally throughout the duration of the war and be bound to mobilize immediately at least 50,000 fighting men and to concentrate them in a manner so as to protect the freedom of movement of the allied army.

I think that this article can be accepted up to the words "throughout the duration of the war."

Articles 5, 7, 8, 9, 10 unchanged.

The discussion on Article 6 will take place tomorrow.

At the end of the convention we shall add: first an article concerning the revictualling, the sanitary service, the transportation of the wounded, the burial of the dead, the transportation of material and provisions, the manner of the payment of the expenses, the exploitation of the resources of the occupied territories, and the manner of regulating the expenses of transportation by sea and railway; and secondly an article concerning the manner of the distribution of the booty.

In order to gain time we shall discuss the above articles with the military delegates and will agree upon a final formula under the reservation of your approval.

ALEXANDROPOULOS.



## No. 8

*Mr. L. Coromilas, Minister for Foreign Affairs, to Mr. J. Alexandropoulos, Minister of Greece at Belgrade.*

(Telegram)

*ATHENS, May 14/27, 1913.*

We reply to the two telegrams of Captain Stratigos dated May 10 and 13.

Article 1 of the military convention. We conclude that this article has been finally worded as follows:

In case of war against one of the two states, waged in the circumstances provided for by their treaty of alliance, or in case of a sudden attack of important masses ("forces" would be preferable) of the Bulgarian army against the Greek or Serbian army, the two states promise to each other mutual support, Greece with all her military forces on land and sea and Serbia with all her military forces on land.

Captain Stratigos had telegraphed that he would make clearer the words "important masses" in order to avoid any misunderstanding, but he has not communicated to us the announced modification by him. We accept the article in its final wording under the reservation to formulate more clearly, if necessary, the words "important masses."

Article 2. We have replied that the number of 90,000 for the Greek army should be maintained.

Article 3 unchanged.

Article 4. Concerning the second paragraph "But if Serbia . . ." up to the end "by Bulgaria, by all her available military forces." We accept it in principle, but we would wish that you should give us a better formula insuring a convenient utilization of the military forces.

Article 4 bis: "In case one of the two contracting parties should declare war against Bulgaria or against another Power, without a previous agreement and consent . . ." up to ". . . throughout the duration of the war."

Captain Stratigos has telegraphed that it was not to our interest to accept what comes after, namely, "and shall be obliged to mobilize immediately at least 50,000 fighting men and to concentrate them

n a manner so as to protect the liberty of movement of the allied army," but he did not inform me what the Serbians had finally accepted. We think that it would be better to insert "shall be obliged to concentrate — fighting men," etc., instead of to "mobilize, etc."

The number of fighting men should be fixed by the General-in-Chief, taking into consideration that our army will be more numerous in future.

Article 5 unchanged.

Article 6. We have noticed that Captain Stratigos has succeeded in obtaining in our favor an improvement of the line of the military occupation proposed by the Serbians, but he should have fixed it more in detail. We insist that the line, which will be finally fixed, constitute the eventual frontier between Greece and Serbia. Besides, the Serbians seem to accept it, provided the thing is kept secret, but as compensation for this line they demand that from Karakioi, Serbia may claim a strip of territory along the Nestos of a width of 10 kilometers maximum in order to acquire a port and a railway line of her own to the Ægean Sea. This would constitute a great advantage for Serbia and in return she would perhaps cede to us half of the Doiran lake. Therefore, this question is worthy of great attention and for that reason I shall give you supplementary instructions.

The other articles unchanged.

We accept in principle the questions dealt with in the two additional articles and we are awaiting their formulation.

COROMILAS.

No. 9

*Mr. L. Coromilas, Minister for Foreign Affairs, to His Majesty the King, at Salonika.*

(Telegram)

ATHENS, May 14/27, 1913.

I have the honor to communicate to your Majesty a telegram sent to Belgrade. I suppose that the Serbian delegates will come to Salonika and that the context of the said telegram may be of use to Captain Metaxas.

I call the attention of Your Majesty to the new demand of Serbia for an outlet to the Ægean. I think that we can accept it on con-

dition that we shall be insured the freedom of passage and the right for our railways to go through it. The strip of territory should, at any rate, be fixed so as to pass between Xanthi, Yenidje and Gioumouldjina, and to leave these three cities outside the Serbian strip [of territory].

COROMILAS.

No. 10

*Mr. L. Coromilas, Minister for Foreign Affairs, to Mr. J. Alexandropoulos, Minister of Greece at Belgrade.*

(Telegram)

ATHENS, May 17/30, 1913.

As the situation is aggravated in consequence of the continuous attacks of the Bulgarians, and we are unable to confront them without attacking them elsewhere, the President of the Ministerial Council, in agreement with His Majesty, telegraphs to you to conclude and to sign, if possible, today. If Serbia still insists for the strip of territory, you should accept it as follows:

A strip of territory, of a width not more than ten kilometers, starting from a point to be fixed on the line Karakioi-Perelik up to the Aegean Sea, passing between Xanthi and Gioumouldjina, is ceded to Serbia, which will insure to Greece the free passage through it, as well as all the facilities.

Answer urgently.

COROMILAS.

### III. INTERPRETATION

No. 11

*Mr. G. Streit, Minister for Foreign Affairs, to Mr. E. Venizelos, President of the Ministerial Council, at Trieste.*

(Telegram)

ATHENS, July 11/24, 1914.

The Chargé d'Affaires of Germany called upon us and read strictly confidentially a telegram from his government, according to which, as the course of events do not seem to exclude a conflict between Austria and Serbia, the Imperial Government will be at the side of its ally. Bulgaria would probably take advantage of such

a situation. It is not known if Turkey will remain indifferent. It would be desirable that Greece should, in time, break away from Serbia; that, under such circumstances, the conclusion of an alliance with Turkey now would seem to be impracticable, but some sort of an agreement for mutual neutrality would seem to be indicated.

Before I gave an answer to these suggestions, I reserved to myself the right to communicate with Your Excellency and His Majesty whom I shall see this afternoon. I have, however, given assurances that the Royal Government will not fail to act in the sense of the maintenance of peace and, at the same time, I have pointed out the difficulty of our situation by reason of the obligations which we have assumed in the event of the participation of Bulgaria in the war by an attack against Serbia, and the danger of our being isolated if a similar situation should subsequently present itself to Serbia in a Greco-Bulgarian conflict.

STREIT.

No. 12

*Mr. J. Alexandropoulos, Minister of Greece at Belgrade, to Mr. E. Venizelos, President of the Ministerial Council, at Munich.*

(Telegram)

BELGRADE, July 12/25, 1914.

The President of the Council has just begged me to ask you: "If the Serbian Government can count on armed aid from Greece: 1st, in case Serbia is attacked by Austria, 2nd in case Serbia is attacked by Bulgaria." A similar question will be put to the Royal Government by the Minister of Serbia in Athens.

The President of the Council told me that Montenegro will range itself with Serbia in both contingencies, and that Roumania is taking steps to adjust the situation in order to prevent the war between Austria and Serbia, and that she will come to a decision later in case of a European War. His Excellency added that, according to their last advices from Petersburg, the Ministerial Council in Russia has decided to support Serbia militarily, but that they are waiting for the decision of His Majesty the Emperor of Russia.

ALEXANDROPOULOS.

## No. 13

*Mr. N. Theotoky, Minister of Greece at Berlin, to Mr. G. Streit,  
Minister for Foreign Affairs, Athens.*

(Telegram)

BERLIN, July 12/25, 1914.

I have just had a very long interview with Von Jagow, who told me that, as soon as he saw that the relations between Austria and Serbia were taking a critical turn, he instructed the representative of Germany at Athens to inform Your Excellency of this situation, and to give us the advice to keep away from Serbia as much as possible, even in case Bulgaria should participate in the Austro-Serbian conflict, which is most probable. I replied that I had knowledge of that communication, having been just informed about it by the President of the Ministerial Council from Munich,<sup>1</sup> and I added that Mr. Venizelos informed me that in case Bulgaria should think it proper to intervene, Greece could not permit it and that we would also immediately intervene. Von Jagow insisted in a very particular manner on the dangers which he foresaw in the case of the intervention of Greece to check Bulgaria. These dangers consist, according to him, in the possibility of Turkey acting against us, inasmuch as Serbia would be fighting with Austria, and, on the other hand, the possibility, on which he seems to be counting, of the abstention of Roumania from any interference [in favor] of Serbia, even if attacked by Bulgaria, because Roumania had always talked about the waters of the Triple Alliance and she would not at this moment be willing to find herself opposed to Austria and to the Triple Alliance. I insisted on the impossibility of our permitting Bulgaria to change the equilibrium established by the Treaty of Bucharest, and I explained to him that if we permitted such an aggrandizement of Bulgaria, we were running the risk of seeing this very Bulgaria become stronger than ourselves and attack us a few years from now. I said at last to Von Jagow that if he wished very much that none of the Balkan States should intervene, he should act at Sofia in order to compel Bulgaria to keep quiet.

I must advise you that from the reserve which I observed in the language of Von Jagow concerning the action of Bulgaria, I carried

<sup>1</sup> See document No. 11.

the impression that Austria must have concluded some sort of an agreement with Bulgaria about a common action.

Von Jagow admitted that he fully understood the extremely delicate position in which we find ourselves, but he repeated again his advice of abstention and neutrality, even in the case of Bulgarian intervention.

The Minister, reverting to the disposition of Turkey, told me that he is informed from various sources that the military party in Turkey always had the least friendly dispositions towards Greece, and that we should not overlook this circumstance.

THEOTOKY.

No. 14

*Mr. E. Venizelos, President of the Ministerial Council, to Mr.  
G. Streit, Minister for Foreign Affairs, Athens.*

(Telegram)

MUNICH, July 12/25, 1914.

In regard to our attitude in case of an armed conflict between Austria and Serbia, reserving entirely our opinion on the application of the treaty of alliance, it would be necessary not to leave any doubt in the mind of those with whom you converse about our decision that we shall not stand with crossed arms in the presence of a Bulgarian attack against Serbia. It would be impossible for us to tolerate such an attack, which might result in an aggrandizement of Bulgaria and bring under discussion the Treaty of Bucharest. It is not only our duty of alliance towards Serbia, but a necessity imposed upon us for our own self-preservation.

VENIZELOS.

No. 15

*Mr. E. Venizelos, President of the Ministerial Council, to Mr. J.  
Alexandropoulos, Minister of Greece at Belgrade.*

(Telegram)

MUNICH, July 13/26, 1914.

In regard to the communication made by the President of the Ministerial Council<sup>1</sup> please tell His Excellency that before I give

<sup>1</sup> See document No. 12.

a precise answer, I must come to an understanding with His Majesty the King and the Royal Government.

But, I authorize you to say to His Excellency that I transmitted to you my personal views, authorizing you to speak to him in a strictly confidential manner. These are my views: First, as for the contingency of a war between Austria and Serbia, I have the firm hope that such a war, which would be a real calamity for all of us, may be avoided, thanks to the well-known conciliatory spirit of His Excellency, strengthened by the advice of Russia and by that of all the real friends of Serbia; but if, by misfortune, the war should break out, we would make a decision as soon as we are in possession of all the elements, taking into account the efficiency of our aid. Second, in regard to the contingency of an attack by Bulgaria against Serbia, I am resolved to propose to His Majesty the King and to the Royal Government to oppose all our forces against Bulgaria, in order to relieve Serbia from every anxiety against the Bulgarian danger and to insure the maintenance of the treaty of alliance.

VENIZELOS.

No. 16

*Mr. G. Streit, Minister for Foreign Affairs, to Mr. N. Theotoky,  
Minister of Greece at Berlin.*

(Telegram)

ATHENS, July 15/28, 1914.

Referring to your telegram of the 12th instant<sup>1</sup> I have the honor to inform you that I had a conversation with the Chargé d'Affaires of Germany, in the course of which I explained to him that a possible interference of Bulgaria in the Austro-Serbian conflict would create for Greece the duty to oppose it by all means. If, in fact, Bulgaria, notwithstanding the declarations of Mr. Rodoslavof, should be led to take advantage of the position of Serbia in order to attack her, there would follow a real subversion of the equilibrium of the forces in the Balkans and Greece would be in danger of being encircled and exposed to attack on the first occasion. The most elementary sentiment of self-preservation and security impels Greece not to tolerate an attack on Serbia by Bulgaria in order to reopen questions which have already been solved by the Treaty of Bucharest.

<sup>1</sup> See document No. 12.

Please take advantage of the first opportunity which presents itself to speak in this sense to the Minister for Foreign Affairs.

STREIT.

No. 17

*Mr. E. Venizelos, President of the Ministerial Council, to Mr. G. Streit, Minister for Foreign Affairs, Athens.*

MUNICH, July 16/29, 1914.

At the moment when the declaration of war by Austria obliges us to face serious contingencies, I think that I must indicate to you certain guiding aspects.

If in a war limited between Serbia and Austria, we can remain neutral, we should not forget that our alliance obliges us to mobilize immediately forty thousand men. Still, it is in the common interest of Serbia and Greece not to proceed from now to a step which would cause the general mobilization of Bulgaria and greatly risk the precipitation of some very grave events. Please give urgently the necessary instructions to our minister so that he may explain to the Serbian Government the reasons of our attitude and give to them the repeated assurance of our firm resolution to mobilize immediately in case of a Bulgarian mobilization. He should add that our attitude corresponds absolutely with the stand which the Serbian Government had decided to take, in the common interest, during our crisis with Turkey.

I am at the same time of the opinion that the coöperation of Greece and Roumania should have an immediate manifestation at Sofia, by an identical declaration of the two Cabinets that they are resolved to mobilize without delay in case of Bulgarian mobilization. Please come to an understanding with Bucharest in order that joint instructions may be given in the above sense to the respective ministers.

Besides, we should consider the possibility of a generalization of the war in order to determine beforehand our policy. My very considerate opinion is that, in such a contingency, the Royal Government could for no price whatever, be induced to range itself with the opposite camp to that of Serbia and coöperate with her enemies



against her; that would be contrary to the vital interests of Greece, the good faith of the treaties and the dignity of the state. I shall under no pretext whatever derogate from this policy.

VENIZELOS.

No. 18

*Mr. G. Streit, Minister for Foreign Affairs, to Mr. J. Alexandropoulos, Minister of Greece at Nisch (Serbia).*

(Telegram)

ATHENS, July 20/August 2, 1914.

In regard to the questions put by the Serbian Government concerning the attitude of the Royal Government in the Austro-Serbian conflict,<sup>1</sup> please make the following declaration to the President of the Ministerial Council, of which you are authorized to leave a copy with him should he request you to do so:

Without entering into an examination of the obligations resulting from her alliance with Serbia, the sole consideration that the independence and territorial integrity of Serbia are an essential factor in the Balkan equilibrium as established by the Treaty of Bucharest, to the maintenance of which Greece is firmly and resolutely attached, is sufficient to dictate to the Royal Government the resolution which it should take, at least for the present, in order to come more effectively to the aid of the friendly and allied nation.

The Royal Government is convinced that it fully fulfills its duty of friend and ally by the decision which it takes to maintain towards Serbia a most benevolent neutrality and to be ready to repel every attack from Bulgaria of which Serbia might be the object.

In fact, the participation of Greece in the war which is now waged, far from being useful, would in fact be very prejudicial to Serbia. Greece by becoming belligerent would offer to her ally but very feeble forces in comparison with the power of her adversary, while she would necessarily see Salonika, the only open port through which she [Serbia] is revictualled, the object of the resolute attacks of Austria.

Furthermore, the entrance of Greece into the war would fatally weaken the force of her army, which it is important in the common interest to maintain intact in order to check Bulgaria.

<sup>1</sup> See document No. 12.

The Royal Government is convinced that the Serbian Government will recognize that its decision is wise and inspired by real anxiety for their common interests.

The Royal Government repeats that it is ready to face the danger of a Bulgarian attack. It has already taken all the proper steps to facilitate, in the given circumstances, the mobilization of its army. If it has not yet mobilized, that is in order not to provoke in Bulgaria a similar measure, which would undoubtedly precipitate events by complicating unprofitably the present state of affairs. Besides, the Greek mobilization will be finished, when the time comes, if not sooner, at least simultaneously with that of Bulgaria.

The Royal Government hopes that its views on this subject agree absolutely with those of the Serbian Government, which, at a given time, it may be pleased to communicate to us.

STREIT.

No. 19

*Mr. N. Theotoky, Minister of Greece at Berlin, to His Majesty the King, at Athens.*

(Telegram)

BERLIN, July 22/August 4, 1914.

His Majesty the Emperor of Germany has just telegraphed to me asking me to go immediately to him. As soon as I was ushered to His Majesty, he gave me to read a telegram which he had just received from Your Majesty transmitted by the Chargé d'Affaires of Germany. His Majesty the Emperor asked me urgently to telegraph to Your Majesty the following:

The Emperor informs Your Majesty that an alliance was today concluded between Germany and Turkey; that Bulgaria and Roumania are equally ranging themselves with Germany; that the German ships which are in the Mediterranean will be joined with the Turkish fleet in order to act together. From the above Your Majesty will see that all the Balkan States have sided with Germany in the struggle which has been undertaken against Slavism. His Majesty in bringing these considerations to the knowledge of Your Majesty begs him, appealing to a comrade, a German Marshal,—of whom the German army felt proud when that title was bestowed upon him, and to his brother-in-law, and reminding him that it was thanks to the support

of His Imperial Majesty that Greece retained Cavalla definitely, to be pleased to order the mobilization of his army; to place himself at the side of the Emperor and to march together, hand in hand, against Slavism, the common enemy. The Emperor has added that he is making this last and earnest appeal to Your Majesty, in this most critical moment, and that he is convinced that Your Majesty will respond to this appeal. If Greece does not side with Germany then there will be a complete rupture between Greece and the Empire.

Finally, His Majesty told me that what he demands from you is to put into execution what Your Majesty and he had so many times discussed. He observed to me that since the Bulgarians, to whom the Emperor and Germany had never been very [favorable], side with Germany, he can still hope that Greece will equally do so.

I must add that the Emperor appeared to me exceedingly decided in what he told me.

THEOTOKY.

No. 20

*Mr. N. Theotoky, Minister of Greece at Berlin, to His Majesty the King, at Athens.*

(Telegram)

BERLIN, July 22/August 4, 1914.

After having seen the Emperor I had a long conversation with Von Jagow, who confirmed to me, most confidentially, the conclusion of an alliance between Turkey and Germany. The Turkish troops will be under the high command of the Sultan and the Turkish generals, but General Liman will intervene in their direction. Bulgaria and Roumania will march on the side of Germany. Between Turkey and Bulgaria there exists a sure understanding, thanks to which these two countries could march against every state which does not follow the same policy. Von Jagow is of opinion that our security [imposes upon us] to march with the other Balkan States against Russia and Serbia. On my pointing out to him the danger of a *coup de main* on the part of England to which we are exposed by reason of our geographical situation, he replied that he did not think that England would act against us.

From what I have been able to understand, the negotiations with Bulgaria are conducted in Vienna. In regard to compensations, I

have had the impression that these are looked for in Serbia and Albania in case Italy remains in the reserved [attitude] which she is now observing. I do not think that the compensations to be given to Bulgaria in case of success have been fixed with precision between Vienna and Sofia, and I have reasons to believe that they have been simply outlined by the general term of "countries upon which Bulgaria has historical and ethnological rights."

If we decide to accede to the appeal of the Emperor, I think that we ought, after declaring that, in principle, we are ready to comply with that appeal, to demand precisely what they wish us to do, and what they would secure for us in case of success. I have the impression that they would not object at all to see us aggrandized at the expense of Serbia.

I beseech you to weigh in a most careful manner the immense consequences, for the present and for the future, which a refusal on our part to accede to the appeal of the Emperor would entail.

THEOTOKY.

No. 21

*Mr. G. Streit, Minister for Foreign Affairs, to Mr. N. Theotoky,  
Minister of Greece in Berlin.*

(Telegram)

ATHENS, July 25/August 7, 1914.

I communicate to you the following telegram of His Majesty the King:

Please transmit the following, in answer to your telegram of July 22<sup>1</sup>:

The Emperor knows that my personal sympathies and my political views draw me to his side. I shall never forget that it is to him that we owe Cavalla. After mature reflection, however, it is impossible for me to see how I could be useful to him, if I mobilized immediately my army. The Mediterranean is at the mercy of the united fleets of England and France. They would destroy our fleet and our merchant marine, occupy our islands and especially would prevent the concentration of my army which can only be effected by sea because there does not yet exist any railway. Without being able to be useful to him in anything, we would be wiped off the map. I am necessarily of opinion that neutrality is imposed upon us, which could be useful to him, with the assurance that I shall not touch his friends, my neighbors, as long as they do not also touch our local Balkan interests.

CONSTANTINE R.

<sup>1</sup> See document No. 19.

STREIT.

## No. 22

*Mr. N. Theotoky, Minister of Greece at Berlin, to Mr. G. Streit, Minister for Foreign Affairs, Athens.*

(Telegram)

BERLIN, July 25/August 7, 1914.

The news which you give me from Constantinople may be accurate as far as the present is concerned, but this does not preclude that, notwithstanding the assurances which the Turks now give concerning their mobilization, they do not pursue the object indicated by my telegram to His Majesty. One should not lose sight of the fact that Turkey needs a whole month in order to mobilize and that she must do everything possible not to be disturbed in that. Her situation in the Balkans will present itself, as I had the honor of describing it to you, namely: Bulgaria will at a given moment march against Serbia. She will not be prevented by Roumania and will be insured against a possible attack by Turkey, so that, if Germany and Austria are victorious over Russia, it is incontestable that Bulgaria will be aggrandized at the expense of Serbia, and Roumania at that of Russia. That being so, have we an interest in watching this aggrandizement, which we can not prevent, without trying to aggrandize ourselves also? I do not think so. The only way to succeed would be to attack the Serbians together with the Bulgarians, and, if Germany and Austria are victorious, the Serbians will be so reduced that they will never be able to recover. We must try to come to an understanding for that purpose with the Bulgarians, to remain neutral as long as they also do so and to act as soon as they act. If we try to find [illegible words] we shall run the risk of being supplanted by all the others.

I think that such a policy would be perfectly comprehensible here, where they have no reason whatever to spare Serbia, which has today declared war against Germany. Furthermore, in view of the attitude which Italy maintains towards Germany and Austria, I am of opinion that, if an understanding is reached with Vienna, Berlin would have no objection whatever to our receiving compensations in Albania. With a non-existing Serbia, the reasons which have contributed to its [Albania's] creation and maintenance will cease to exist for Austria.

Evidently, I fully understand the scruples which such a policy

would inspire in you in regard to the relations that we have with Serbia; but it is now a question of our existence, and we must profit as much as possible from the general upheaval.

THEOTOKY.

No. 23

*Mr. N. Theotoky, Minister of Greece at Berlin, to His Majesty the King, at Athens.*

(Telegram)

BERLIN, July 27/August 9, 1914.

I transmitted through Von Jagow to His Majesty the Emperor of Germany the telegram which Your Majesty has done me the honor to send under date of July 25.<sup>1</sup> Von Jagow told me that he thinks that the Emperor will understand the necessity indicated by Your Majesty to maintain neutrality for the present. The minister repeated to me the advice which he gave the day before yesterday, that we should come to an understanding, as soon as possible, with Sofia and Constantinople, and added that Serbia now was considered "the bear's skin."

THEOTOKY.

No. 24

*Mr. N. Theotoky, Minister of Greece at Berlin, to Mr. G. Streit, Minister for Foreign Affairs, Athens.*

(Telegram)

BERLIN, July 29/August 11, 1914.

I just had a long interview with Mr. Zimmermann, which may be summarized as follows:

The Under Secretary of State thinks that Roumania does not care about the Treaty of Bucharest except in so far as that treaty concerns her. Bulgaria and Turkey are already linked together. Bulgaria will act in [proper] time against Serbia. As for Turkey, she expects to act against Russia. Mr. Zimmermann does not exclude the possibility of Turkey and Bulgaria attacking us, if we attempt to check the attack of Bulgaria against Serbia. As you see, we are isolated.

<sup>1</sup> See document No. 21.

Mr. Zimmermann expresses also the opinion that we must try to come to an understanding with Sofia and Constantinople, although the thing seems to him to be very difficult. If an understanding can be reached, we must remain neutral as long as the others remain so and act as soon as they act, having Serbia as the objective. If this is not done, the only thing left to us is to maintain neutrality. The Under Secretary is of opinion that as soon as the German troops have achieved one or two great victories against France, the Balkan States will act.

THEOTOKY.

No. 25

*Mr. G. Streit, Minister for Foreign Affairs, to Mr. N. Theotoky,  
Minister of Greece at Berlin.*

(Telegram)

ATHENS, July 30/August 12, 1914.

I have the honor to inform you that the Minister of Germany came today to speak to me again about the possibility, which His Excellency considered as being imminent, of an attack by Bulgaria against Serbia, and of the attitude which Greece should from now on take in order that she may release herself from Serbia. His Excellency furthermore demanded that Greece should, in any case, maintain neutrality and not come to the assistance of Serbia; that, in case Bulgaria while attacking Serbia was attacked by Greece, he would be obliged to demand his passports and to leave his post in order to show that he considers such an action of the Royal Government as hostile.

I replied to the Minister of Germany that I should have to consider the declaration about the possibility of the rupture of the relation with Greece as not corresponding to the present situation, because such a contingency has not yet presented itself, and that according to our information, there is not yet even a Bulgarian mobilization. If Bulgaria mobilized, we would also do so immediately, and that independently of the attitude which we would take, because otherwise Bulgaria could take advantage of it in order to attack us.

I developed afterwards at length the point of view which you know, and according to which, if we impose upon Bulgaria the maintenance of neutrality, this action has only in view our primordial right of self-preservation, has a purely Balkan character, and is not directed against the two Central Powers, one of which, namely, Austria-Hungary, has

today declared to us that she is exercising in that sense a pressure at Sofia.

I added as my personal opinion that the Bulgarian mobilization should be avoided in the interests of the Central Powers themselves, because Bulgarian duplicity being known, the probability is not at all excluded that Bulgaria, once mobilized, may be carried away by the Russophile current to side herself with the Triple Entente, finding it to her interest to come to an understanding with Serbia.

Please add these arguments to the ones I have already communicated to you in my previous dispatch, and do not lose sight of the fact that the German Government, in approving our neutrality, does not demand from us at this moment to march with Bulgaria against Serbia.

Please ascertain also if the above declaration about the rupture of the relations with Greece reflects in fact the view of the German Government.

STREIT.

No. 26

*Mr. E. Venizelos, President of the Ministerial Council, Minister for Foreign Affairs, to the Royal Legations in the Entente Powers and in Bucharest.*

(Telegraphic Circular)

ATHENS, August 31/September 13, 1914.

The Minister of Germany came to see me in order to tell me that an agreement has been definitely reached between Bulgaria and Turkey. The latter will lend Bulgaria two army corps, with a view to a joint attack against Serbia, and will maintain four army corps in Thrace by way of threat against a possible attack from Roumania against Bulgaria. The Minister of Germany told me in addition that neither Bulgaria nor Turkey intend to attack Greece.

I replied to the Minister of Germany that, as I had already declared to him, it would be impossible for Greece to be an indifferent spectator in an attack by Turkey and Bulgaria against Serbia, and that besides her interests, her obligations of alliance oblige her to go to the defense of Serbia in case the action which is announced should be realized.

It is not impossible that the Minister of Germany made this communication to me in order to obtain a promise of neutrality from Greece, which the German Government would utilize at Sofia in order



to ask Bulgaria to come to an understanding with Turkey for the purpose of a joint attack against Serbia.

Please make the above known without delay and confidentially to the Minister of Foreign Affairs and telegraph to me his impression.

VENIZELOS.

No. 27

*Mr. Theotoky, Minister of Greece at Berlin, to Mr. E. Venizelos,  
President of the Ministerial Council, Minister for  
Foreign Affairs, Athens.*

(Telegram)

BERLIN, October 18/31, 1914.

This morning I had a conversation with Mr. Zimmermann, which may be summarized as follows:

The German Government seems to be satisfied that events have obliged Russia to declare war against Turkey, because he hopes that the state of war, which will necessarily extend to France and England, will contribute, on one hand, to the diversion of the Russian forces from their principal objective, namely, Germany and Austria, and on the other hand, hopes that owing to the state of war, Turkey will be able to declare a sacred war in Asia, in India and in Africa, and that the rising of the Islamic world will embarrass France and particularly England, which might fear for her position in Egypt and India.

In regard to us, the Under Secretary of State gave me again the most categorical assurance that Turkey is not thinking of attacking us and that the German interests require that Turkey should limit herself in waging war against Russia. He therefore advises us to remain indifferent spectators in this struggle.

As for Bulgaria, Mr. Zimmermann thinks that she will not intervene for the present and he expressed the opinion that, even should Bulgaria intervene later against Serbia, we would have every interest not to intervene. Having observed to him that we have a treaty with Serbia, he answered that today treaties have very little value, and he mentioned the small importance which the treaties binding Germany and Austria to Italy and to Roumania have exercised on the attitude which these last two Powers have followed from the beginning of the war. "Try to make," concluded the Under Secretary of State, "your links with Serbia as loose as possible."

THEOTOKY.

## No. 28

*Communiqué of the Gounaris Cabinet given to the press on February 25/March 10, 1915, the day that it assumed power.*

Greece, after her victorious wars, had the imperative need of a long period of peace in order to work for the prosperity of the country. The organization of the public services, of the land and sea forces, and the development of the public wealth would have guaranteed against any attack the territories she acquired at so much sacrifice. It would have also permitted her to put into execution a program serving the interests of the state and to adopt a policy in conformity with the national traditions.

Under these circumstances, neutrality from the beginning of the war was a necessity for Greece. She had and always has the absolute duty to carry out her obligations of alliance and to pursue the satisfaction of her interests, without however risking to compromise the integrity of her territory.

The Greek Government, conscious that in this way she serves the interests of the country, is convinced that the patriotism of the people will insure to safeguard them entirely.

## No. 29

*Mr. G. Christaki-Zographos, Minister for Foreign Affairs, to Mr. J. Alexandropoulos, Minister of Greece at Nisch (Serbia).*

(Telegram)

ATHENS, February 28/March 13, 1915.

After the official communiqué which was published on the assumption of power by the new Cabinet,<sup>1</sup> I instructed our representatives at London, Paris and St. Petersburg, to give to the respective governments categorical assurances that the new Cabinet would follow the policy inaugurated by Greece from the beginning of the present war, and that in no way was it intending to deviate from a line of conduct traced by its traditional sentiments, the bonds which unite her with the Protecting Powers and her vital interests. The divergences which brought about the recent crisis regarded the dangers of an immediate

<sup>1</sup> See document No. 28.

action, but do not touch the basis of our policy. I have expressed the same opinion to the Minister of Serbia at Athens, adding that the Royal Government is conscious of the community of interests existing between the two allied and friendly countries and that it has always been faithfully attached to the treaty of alliance between Greece and Serbia.

Please see the Minister for Foreign Affairs, and speak to him in this sense in order to dispel any uneasiness which he might probably have felt in consequence of the change of government in Greece.

ZOGRAPHOS.

No. 30

*Mr. P. Psychas, Minister of Greece at Bucharest, to Mr. D. Gounaris, President of the Ministerial Council, Minister for Foreign Affairs, Athens.*

(Telegram)

BUCHAREST, July 17/30, 1915.

My English colleague told me that according to positive information, Germany had assured categorically the Government of Sofia that the neutrality of Greece was definitely assured, even in the case of an attack by Bulgaria against Serbia.

PSYCHAS.

No. 31

*Telegraphic Circular of Mr. D. Gounaris, President of the Ministerial Council, Minister for Foreign Affairs, to the Royal Legations at Paris, London, Rome, Petrograd, Nisch (Serbia), Berlin, Vienna and Sofia.<sup>1</sup>*

ATHENS, July 20/August 2, 1915.

I communicate to you the following telegram of our Bucharest Legation <sup>2</sup> and I beg you, in case similar language is used to you about it, to repeat what we so often declared, that a Bulgarian attack against Serbia could not leave us indifferent; and that the Bulgaro-Turkish agreement will only strengthen the bonds between the two countries.

GOUNARIS.

<sup>1</sup> This circular was communicated to the Minister of Greece at Bucharest.

<sup>2</sup> See document No. 30.

## No. 32

*Mr. E. Venizelos, President of the Ministerial Council, Minister for Foreign Affairs, to Mr. N. Theotoky, Minister of Greece at Berlin.*

(Telegram)

*ATHENS, August 21/September 3, 1915.*

The prospect of a possible attack against Serbia by the combined Austro-German forces preoccupies intensely the Royal Government and this on account of the more and more evident *rapprochement* between Bulgaria and the Central Empires. If this *rapprochement* had no other effect but to insure to the Teutonic forces a free passage through Bulgaria, we would have no reason whatever to be alarmed. But if, taking advantage of the arrival of Teutonic forces, Bulgaria should attack Serbia, we could not remain indifferent before the prospect of a probable crushing of our ally by Bulgaria. Independently of the extent of our obligations of alliance, our vital interest would compel us to do everything in order to forestall a Bulgarian victory, of which we would become, sooner or later, the first victims.

The German Government will undoubtedly have in view these various contingencies in deciding upon the expedition through Bulgaria, but you would do well to seize a favorable opportunity in order to give again an explanation of these views in your private character, by saying that they represent the opinion predominating in the country. We think that the German Government has no interest in seeing the outbreak of a Balkan War and will continue to wish that Greece will not abandon her neutrality. We may therefore hope that, in any case, even in case the eastern expedition is organized, it will use all its influence to check Bulgaria, dissuading her from any attack against Serbia in order to insure the maintenance of peace in our own frontiers.

Please transmit without delay the result of your step.

VENIZELOS.

## No. 33

*Mr. A. Zaïmis, President of the Ministerial Council, Minister for Foreign Affairs, to all the Royal Legations.*

(Telegraphic Circular)

ATHENS, September 25/October 5, 1915.

The new Cabinet, having studied the various aspects of the exceedingly complicated international situation before which it now finds itself, is in a position to affirm that its policy will rely on the same essential bases as that followed by Greece from the beginning of the European War. Greece, in order to insure better her vital interests, will remain in a state of armed neutrality and will adapt herself to the events, the evolution of which the new Cabinet will follow with unabated attention.

Please be guided by the above both in your diplomatic conversations and interviews with the representatives of the press.

ZAIMIS.

## No. 34

*Mr. A. Zaïmis, President of the Ministerial Council, Minister for Foreign Affairs, to Mr. J. Alexandropoulos, Minister of Greece at Nisch (Serbia).*

(Telegram)

ATHENS, September 29/October 12, 1915.

The Minister of Serbia left with me a copy of a telegram from his government, which, considering that the anticipation of an impending attack of the Bulgarian forces against the Serbian army produces the *casus foederis* provided for by our alliance, urgently requests us to inform them if, in accordance with our agreements, the Greek army will be ready to act against Bulgaria and if the Royal Government will be disposed to give to the General Staff the necessary instructions to come to an understanding with the Serbian Staff in order to determine the details of a plan of coöperation against Bulgaria.

The Royal Government regrets exceedingly that it can not accede to the demand of the Serbian Government formulated in that manner.

In the first place, it considers that in the present circumstances, the *casus foederis* does not arise. In fact, the alliance which was concluded in the year 1913 in anticipation of a Bulgarian attack and with the view of establishing and maintaining an equilibrium of forces between the States of the Peninsula after the partition of the territories conquered jointly from the Ottoman Empire, has, according to the very preamble of the treaty, a purely Balkan character, imposing in no way the application of the treaty in the vicissitudes of a general conflagration. In spite of the generality of the terms of article first, the treaty of alliance and the military convention which completes it, prove that the contracting parties had in view only the hypothesis of a single-handed attack by Bulgaria directed against one of them. Article 4 of the military convention itself furnishes the proof, because being intended to limit the aid of one of the allies already occupied elsewhere, it does not foresee any other *casus foederis* but the attack of Bulgaria against the other ally. Nowhere is there any question of a combined attack of two or more Powers. On the contrary, no matter how broad the general provision of the first article of the military convention may be in its terms, it is limited to the hypothesis of a war between one of the two allied states and only one other Power. And it could not have been otherwise; it would have been an act of foolish conceit to stipulate, in the contingency in which one of the parties would be at war with numerous states at the same time, for the granting of an evidently feeble and ridiculous assistance of the military forces of the other party.

It is therefore beyond question that exactly this hypothesis now presents itself. If the Bulgarian attack feared by the Serbian Government takes place, it will be due to an agreement made with Germany, Austria-Hungary and Turkey. It will be carried out in combination with the attack already undertaken against Serbia by the two Central Empires. It will appear as an incident of the European War. The Serbian Government itself has already recognized that this was the character of the attack by breaking her diplomatic relations with Bulgaria in order to follow the example of the Entente Powers, her European allies, without previously coming to an understanding with Greece, her Balkan ally. It is therefore evident that the attack will be found to be outside the provisions as well as the spirit of our alliance.

But the Royal Government is convinced not only that under these

circumstances it is not bound by any contractual obligation, but is also persuaded that its military assistance offered spontaneously at such a time would badly serve the common interest of both countries. It is on account of that interest that Greece remained neutral in the European War, believing that the best service which it could render to Serbia was to check Bulgaria, preserving its forces intact and its communications free for a possible attack from [the latter State]. It was always ready to face the Bulgarian danger even when it appeared in the course of the European War, although Serbia was already struggling with two great Powers. For that reason, it hastened immediately to answer the Bulgarian mobilization by a general mobilization of its army. But it had always in view a Bulgarian attack undertaken separately, even in connection with the other hostilities undertaken against Serbia. The hypothesis of an attack concerted with that of other Powers was and ought to be outside of its anticipations; because Greece, intervening in such a case, would have been lost, without having the least hope of saving Serbia. Evidently, Serbia can not desire such a result. The common interest requires, on the contrary, that the Greek forces should be kept in reserve for a better use of them subsequently. It is therefore of importance that Greece should remain neutral and follow attentively the march of events, with the resolution to watch always, by the most appropriate means, both the preservation of her own vital interests and the protection of the interests which she has in common with Serbia.

The Royal Government, being convinced that the Serbian Government will recognize the correctness of the reasons which prevent Greece, in the present circumstances, from promising its armed assistance to Serbia, and feeling a profound regret for the actual impossibility, for the present, of doing more for Serbia, wishes to assure her, that faithful to their friendship, she will continue to give her all the aid and facilities compatible with her international position.

Please read the above to Mr. Pachitch, leaving with him a copy if he asks for it.

ZAIMIS.

## No. 35

*Mr. E. Skouloudis, President of the Ministerial Council, Minister for Foreign Affairs, to all the Royal Legations.*

(Telegraphic Circular)

ATHENS, October 26/November 8, 1915.

The new Cabinet intends to follow in foreign affairs exactly the same policy as its predecessor. I am referring, in regard to this, to the dispatch of my predecessor of September 25th.<sup>1</sup> In your diplomatic conversations with the representatives of the press, please be inspired by the declarations therein contained.

SKOULOUDIS.

## No. 36

*Mr. E. Skouloudis, President of the Ministerial Council, Minister for Foreign Affairs, to Mr. J. Panourias, Chargé d'Affaires of Greece at Mitrovitsa (Serbia).*

(Telegram)

ATHENS, October 26/November 8, 1915.

In speaking to the Serbian Government, please give the most categorical assurances of the sentiments of sincere friendship with which we are animated toward Serbia, as well as of our firm resolution to continue to afford her all the facilities and every support compatible with our own vital interests.

SKOULOUDIS.

## No. 37

*Mr. E. Skouloudis, President of the Ministerial Council, Minister for Foreign Affairs, to the Royal Legations at Paris, London, Rome and Petrograd.*

(Telegraphic Circular)

ATHENS, October 26/November 8, 1915.

In speaking with the Minister for Foreign Affairs please give on my behalf the most categorical assurance of our firm resolution to continue our neutrality with the character of the sincerest benevolence

<sup>1</sup> See document No. 33.



towards the Entente Powers. Please add that the new Cabinet indorses the repeated declarations of Mr. Zaimis about the friendly attitude of the Royal Government towards the Allied troops in Salonika; that it is conscious of the real interests of Greece and that it owes to the Protecting Powers of Greece not to deviate in the least from this line of conduct. It therefore hopes that the sentiments of friendship of these Powers for Greece will not at any time be influenced by the malicious and misleading news which is circulated intentionally in the vain hope of impairing the good relations of the Entente with Greece.

SKOULLOUDIS.

No. 38

*Mr. J. Panourias, Chargé d'Affaires of Greece in Serbia, to Mr. E. Skouloudis, President of the Ministerial Council, Minister for Foreign Affairs, Athens.*

(Telegram)

MITROVITSA, November 2/15, 1915.

I spoke appropriately to the President of the Ministerial Council in the sense of your telegram of the 26th ultimo<sup>1</sup> received late yesterday evening. In my conversation with him on the declarations contained in the telegram of September 25th,<sup>2</sup> I developed again the arguments supporting our point of view. The President of the Council thanked me for the communication and added that the vital interests of Greece are identical with those of Serbia, that the aggrandizement of Bulgaria would be the ruin both of Serbia and of Greece, that the victory of the Austro-Germans could by no means guarantee the vital interests of Greece, and that he has the firm hope that Greece will intervene at the last moment.

I also had a conversation in the same sense with the Assistant Minister for Foreign Affairs, who told me nearly the same thing as the President of the Council, and he communicated to me, — justifying himself for the delay by the march of the events, — the reply of the Serbian Government given by [illegible words] on the foreign policy of the Zaimis Cabinet.

Here is the text of that reply:

<sup>1</sup> See document No. 36.

<sup>2</sup> See document No. 33.

At the end of September last, the Minister of Greece in Serbia delivered to the Serbian Government a copy of a telegram from his government<sup>1</sup> by which Greece, in reply to the appeal made to her by Serbia when the Bulgarian attack against Serbia was impending, declared that she regretted she was not able to give a favorable answer to our appeal to intervene against Bulgaria as soon as the latter should attack Serbia.

The reasons given by Greece in that reply were, that she considered that such a possible attack by Bulgaria at the present moment came under the vicissitudes of the European War and that in no case would it constitute a *casus foederis*, the Greco-Serbian alliance having a purely Balkan character.

The Serbian Government, being solely inspired by the solidarity of the vital interests of Greece and Serbia in the face of the Bulgarian danger, — the importance of which was also recognized by Greece in her reply, — considers that it is its duty to submit to the Greek Government the arguments which militate in favor of immediate action by Greece against Bulgaria. The spirit of the treaty of alliance, which guarantees the territorial integrity of each of the contracting states in case of attack, as well as its text, in which no mention is made that the treaty will cease to have binding force if Bulgaria is in alliance with another Power, prove in a clear and logical manner that Greece is bound to come to the assistance of Serbia, if the latter, without provocation on her part, is attacked by Bulgaria or another Power. The Serbian Government has not the slightest doubt that Bulgaria is attacking Serbia solely for the purpose of taking away from her the territories which she acquired by the Treaties of London and Bucharest, and in order to prevent Serbia and Greece from having contiguous frontiers. The object of the treaty of alliance with Serbia is to guarantee the situation which was created after the wars in the Balkan Peninsula, and this treaty has the character of a treaty of mutual guarantee of the integrity of Serbia and Greece. (Article 1st) This article, in fact, does not state that Serbia and Greece should be attacked by one enemy only and not by many; it speaks generally of an attack and not of the number of the attacking Powers. To suppose that the treaty had foreseen the case of the attack of one Power only and not of more, would mean that the treaty was intended to guarantee Greece and Serbia against the lesser danger but not against the greatest dangers. It therefore results from such an interpretation that the application of the treaty would cease to have binding force precisely at the moment when it was more than ever necessary.

The attack of Bulgaria against Serbia shows, according to the opinion of the Serbian Government, the evident intention of changing the existing situation in the Balkans. But had it even been but a

<sup>1</sup> See document No. 34.

simple incident in the present European War and not an event of a preëminent Balkan character, the important question would be, not what is the character of this war, but what is its object and what are the consequences which may result from it? Whether the territorial *status quo* in the Balkans is changed through a purely Balkan war, or through a combined European and Balkan war, the result is absolutely the same. In either case the Greco-Serbian interests are equally injured. [The disadvantage offered by the possibility] of a combined attack of Germans and Bulgarians against Serbia is [counterbalanced] by the military aid of the Powers of the Triple Entente, who have as their object the maintenance of the situation which was created and guaranteed by the Treaty of Bucharest.

Serbia in breaking diplomatic relations with Bulgaria without previously coming to an understanding with Greece, did not wish to recognize the European character of the possible Bulgarian attack; she only wished to characterize the Bulgarian mobilization as being directed against Serbia and [to consider it as] a menace to her existence. She did not come to an understanding with Greece in regard to the breaking of diplomatic relations with Bulgaria for the simple reason that she did not have the choice and it did not depend upon her to break or to maintain those relations. The rupture became inevitable on account of the aggressive attitude of Bulgaria. Therefore, we think that Greece, having ordered without a previous understanding with Serbia the general mobilization of her army immediately after the Bulgarian general mobilization, has [acted] in the same [manner as Serbia].

Greece herself recognizes that the present Serbo-Bulgarian war may endanger her own interests, and for that reason she promises to intervene at a favorable time, as much for the guarantee of our common interests as for her own special interests; but, according to the opinion of the Greek Government, this intervention, in order to become effective, must be made at a favorable time. The Greek Government therefore admits that it may intervene in the present war against the Bulgarian danger, which might present itself during the European War; it [admits] consequently the [possibility] of an intervention against two adversaries of Serbia, but only if their attack against Serbia is simultaneous and not combined, which from the military standpoint is the same thing. In both cases, namely, if her adversaries are allies or not, Serbia is bound to fight on two fronts and the military difficulties for Greece are the same.

[However], the Greek Government recognizing the possibility of its intervention during this war, considers that this intervention, should take place at an appropriate moment. It is more than evident that Serbia and Greece, joining their forces, could defeat the Bulgarians even if the latter were aided by the Germans, more easily than Greece, after being isolated, could defeat a Bulgaro-German coalition, to which she would have previously given time to defeat

Serbia. Greece by her present attitude gives to this coalition the opportunity of subduing first Serbia and afterwards Greece, while it is certain that it can not vanquish them simultaneously.

Having in view all the above [arguments] and the common [Greco-Serbian] interests, [the Serbian Government] begs to draw the attention of the Greek Government to the fact that Greece has repeatedly given to us the assurance that she would take part in the war, under the reservation only that Bulgaria should be left first to attack Serbia. [The very interest] of Greece imposes upon her the duty to begin operations immediately against Bulgaria with all her forces, even if no Greco-Serbian treaty of alliance existed. Any delay in the intervention of Greece may become fatal not only to Serbia but also to Greece. The Serbian Government therefore makes a final appeal to the Greek Government in order that this intervention may be effected immediately.

PANOURIAS.

No. 39

*Mr. A. Romanos, Minister of Greece at Paris, to Mr. E. Skouloudis  
President of the Ministerial Council, Minister for  
Foreign Affairs, Athens.*

(Telegram)

PARIS, March 28/April 10, 1916.

I have the honor to inform you that the refusal by the Royal Government of the proposals of the British and French Ministers concerning the question of facilitating [the passage] of the Serbian army through our territory, which came to the knowledge of the Ministry many days ago, has disposed the French Government very unfavorably toward us. Mr. Briand told me that under these conditions there can not be any more a question of furnishing to us an advance of 150 millions asked by the Royal Government. The commissary officer Bonnier told me the same thing in regard to the army supplies. For three days the newspapers, particularly the *Echo de Paris*, have published very violent articles, and news suggesting a blockade and other forcible measures on account of the attitude of Greece in general, without referring to the question of the passage of the Serbian troops. I have asked a well informed journalist, an acquaintance of mine, the reason for this campaign. He told me that this language of the French press is due to our refusal to allow the passage to the Serbians. They fail, however, for the present, to speak about the question of the passage of the [Serbian army], because, if the public were informed

about it, there would be a general reprobation against us and the French Government would perhaps be obliged to adopt an attitude which is repugnant to Mr. Briand, who wishes to maintain friendly relations between the two countries. The President of the Council wished to have the Serbians transported by sea around the Matapan promontory, but the Minister of Marine is opposed to it, because he considers the passage as dangerous and difficult on account of the submarines. It can not be denied that if a Serbian transport were sunk, public opinion would throw the responsibility upon us.

ROMANOS.

No. 40

*Mr. E. Skouloudis, President of the Ministerial Council, Minister for Foreign Affairs, to Mr. A. Romanos, Minister of Greece at Paris.*<sup>1</sup>

(Telegram)

ATHENS, March 29/April 11, 1916.

I can not but be painfully surprised by the declaration of Mr. Briand that, on account of the point of view of the Royal Government in the matter of the passage of the Serbian army, there could no more be a question of giving to us the advance of the 150 millions which we had asked. In fact, we did not ask this advance as a price for the violation of neutrality, to which we never thought of consenting, and there is nothing in our attitude which would justify the French Government in giving such a meaning to our request. We asked the financial assistance of the Western Powers, thinking rightly that they could not indifferently see Greece weakened militarily and disorganized financially. This point of view was certainly preoccupying the Powers because they did not oppose to our request any refusal in principle. Under these circumstances, the difficulty which has now arisen does not seem to be of a nature to alter the position of the financial matter, unless Mr. Briand intends to leave aside deliberately the considerations of a general and permanent order, in order to inflict upon Greece some kind of punishment for her refusal to consent to a serious violation of her neutrality. This conclusion is so illogical and iniquitous that it is impossible that it might be definitely reached by a mind

<sup>1</sup> This telegram was communicated to the Royal Legations at London, Rome, and Petrograd.

so penetrating and liberal as that of Mr. Briand, inasmuch as he is too keen not to perceive that, if Greece, wishing to remain neutral, is obliged to repulse energetically every new violation of her neutrality, she does not possess the necessary means to resist the pressure of a coalition of great Powers. Greece was obliged to endure or to tolerate many things because she could not do otherwise and the Powers already know this, from long experience. There are others which, on account of the rapidity of their execution and their less troublesome character for the territory, escape the action and even the vigilance of the authorities. Thus, in the very matter which had so excited the Powers, something has just happened which confirms the experience of the past, because Sunday the French transport *Jean Corbiere*, carrying Serbian detachments from Corfu to Salonika, passed through the canal of Corinth, nearly completely unobserved, thanks to its innocent exterior.

Please be guided by the above, and have a semi-official and friendly conversation with Mr. Briand, in which you will not have any trouble in making him understand that Greece, being placed between two groups of Powers, is obliged to submit to the recriminations, the protests and the bad humor of the one, whenever her neutrality is in fact violated in favor of the other, and that, under these conditions, it is impossible for the Royal Government to maintain officially an attitude different from the present.

SKOULODIS.

No. 41

*Note-verbale of the Serbian Government to the Hellenic Government communicated by Mr. J. Baloudjitch, Minister of Serbia at Athens.*

ATHENS, April 7/20, 1916.

In order that the transportation to Salonika of the Serbian troops, now in Corfu, may be effected as soon as possible, which undoubtedly is also the desire of the Greek Government, and with the least possible risks, which is the principal anxiety of the Serbian Government, it is necessary that the transportation should be done by land from Patras.

The Serbian Government appeals first of all to the sentiments of humanity of the Hellenic Government, and begs that it may permit this passage; because, although there are other ways in Greek territory through which this transportation can be effected, the Serbian

Government insists on the above mentioned road only for the purpose of avoiding the sinking of any of its transports. The losses sustained by Serbia during this war are so great and so much out of proportion to her real forces, that the Serbian Government considers it has the right to find the means of avoiding at least unnecessary losses which are not connected with the operations.

This desire seems to them the more well-founded as the Hellenic Government, by permitting to the Serbian army this passage through its territory, would in no way help the military operations and, consequently, would not be suspected of betraying the neutral conduct which it has observed up to the present. It would simply perform an act of friendship and of benevolent neutrality towards Serbia, upon which the Serbian Government hopes to be able to count by reason of the very spirit of the Greco-Serbian treaty, independently of the interpretations which might be given to its various provisions.

Waiting with confidence the decision of the Greek Government, the Serbian Government considers it to be its friendly duty to call its attention to the disagreeable consequences which might result to Greco-Serbian relations, from a possible accident which might happen to a transport of Serbian troops, in consequence of the refusal of the Greek Government to permit their passage by land.

No. 42

*Mr. E. Skouloudis, President of the Ministerial Council, Minister for Foreign Affairs, to the Royal Legations at Paris and London.*<sup>1</sup>

(Telegram)

ATHENS, April 8/21, 1916.

The Minister of Serbia came to see me yesterday and handed to me a note<sup>2</sup> by which Serbia, appealing to Greece as an ally, begs her to consent to the transportation of the Serbian troops now at Corfu to Salonika, via Patras and the railway. The reason given is that any other means of transportation runs the risk of the destruction of the ships carrying these troops by enemy submarines.

In my answer, I declared to the Minister that I had already replied to the representatives of the Entente that the transportation of the Serbian troops by land absolutely could not be permitted by the Royal

<sup>1</sup> This telegram was communicated to the Royal Legations at Rome and Petrograd.

<sup>2</sup> See document No. 41.

Government and that, consequently, I could not enter into any new conversation with them on this subject.

I remarked to the Minister that my declaration was categorical and could in no way be modified, but that I would have no difficulty in studying the question in an entirely private form, which could in no case, however, have a political result or influence our declarations which have already been made. The Minister said that he would telegraph in this sense to his government.

I communicate the above to you for your exclusive guidance and beg you not to make any use of it in your conversations, unless the Minister for Foreign Affairs first brings up the question of the step of the Serbian representative.

SKOULODIS.

No. 43

*Mr. E. Skouloudis, President of the Ministerial Council, Minister for Foreign Affairs, to the Royal Legations at London, Rome and Petrograd.*

(Telegraphic Circular)

ATHENS, April 14/27, 1916.

Continuing my telegram of the 8th instant,<sup>1</sup> I have the honor to inform you that Tuesday the Ministers of France and England came to declare to me that their governments instructed them to support the step taken by the Minister of Serbia on April 7, and to give me the assurance that in using our railway the Serbian troops would not stop at Athens or anywhere, except the time necessary for the changing of trains.

I replied that these declarations had no object, since the Royal Government persisted resolutely in its refusal expressed from the beginning to any transportation of foreign troops by our railways.

As Monsieur Guillemin said in reply that he knew from the Minister of Serbia that I was negotiating with him, I answered that that was a great error. I narrated what happened between the Minister of Serbia and myself, according to the narrative contained in my above mentioned telegram of the 8th instant, and I affirmed that, according to our opinion, the exchange of views between the respective officers could in no way modify our decision to oppose energetically the passage by land of the Serbian troops.

<sup>1</sup> See document No. 42.



I gave the same explanation to the Minister of Serbia, who came to see me after his colleagues of France and England, and to the Ministers of Russia and Italy, who came on Wednesday to make the same representation as the others.

As the Ministers of the Entente, and particularly Monsieur Guillemin, do not seem to have well understood the very serious and absolutely legitimate reasons of our refusal, I consider it necessary to record them here, which kindly explain to the Minister for Foreign Affairs, in the hope that, understanding the gravity of the situation, he will be good enough to use all his influence at Paris to persuade the French Government to renounce the plan of effecting the passage of the Serbian army through our territory.

Such a passage would constitute the most flagrant and the most serious violation of our sovereignty and neutrality, which the other belligerent group would consider as a hostile act on the part of Greece, because it would be a forcible occupation [of our territory] in the very heart of our country. It would fatally create an unbearable perturbation in the transportation of persons and goods on the principal railway of the kingdom. It would result, notwithstanding all assurances to the contrary, by the very force of the circumstances, in the establishment of encampments of foreign troops in proximity to our principal cities and up to the very suburbs of the capital, thereby [resulting in] inevitable friction with the local authorities, inconveniences for the revictualling of our own populations, and serious dangers to the preservation of order and public health. It would at last lead to constant interferences of foreigners in the administration of the public services and to numerous arbitrary acts and restrictions upon personal liberty, of which we are constant spectators and have had sad experience at Salonika and Corfu.

It is because public opinion has immediately perceived the real danger to which the independence of the country would be exposed, being threatened in its most vital manifestations, that it rose with indignation against the plan of the passage by land and is resolved to demand from the Royal Government to use all its power in order to prevent its realization. Public opinion has borne heavily the numerous violations which have already taken place, and has submitted to them with resignation, concealing its emotion, whenever it was possible to excuse them on the ground of military necessity. But this time its patience is exhausted and its indignation aroused to the

point of leading it to commit acts of despair, because the Entente can not allege any necessity for the passage of the Serbians by land, since their transports navigate the Mediterranean in all directions from Alexandria to Salonika, from Salonika to Marseilles, from Marseilles to Corfu, without suffering much from the attacks of the enemy submarines. Therefore, it can not seriously be contended that there exists a greater danger to the transportation of the Serbians by sea, particularly since the canal of Corinth and the Straits of Euboea, the use of which we tolerate, allows the voyage to be limited to very small areas outside of our narrow seas. On the other hand, it can not be denied that the Serbians themselves were transported from Albania to Corfu, without any accident, notwithstanding the submarines and the mines in the Adriatic.

Under these circumstances, the civilized world will unanimously justify the legitimate resistance of the Royal Government, and will also unanimously condemn as a monstrous abuse of power any attempt of the Entente Powers to ignore our refusal.

Please telegraph urgently the result of your conversation.

SKOULODIS.

No. 44

*Mr. E. Skouloudis, President of the Ministerial Council, Minister for Foreign Affairs, to Mr. D. Caclamanos, Chargé d'Affaires of Greece at Paris.*

(Telegram)

ATHENS, April 14/27, 1916.

I communicate to you the following telegram<sup>1</sup> which I have just sent to London, Petrograd and Rome, by which please be guided in your conversation with the Minister for Foreign Affairs about this serious matter in a purely private character and in your own name. I am really of opinion that, in view of the obstinacy shown by the French Minister, who claims to interpret faithfully the instructions of his government, every official discussion is not only useless but may embitter the relations which, on our part, we continue to wish to be sincere and friendly.

SKOULODIS.

<sup>1</sup> See document No. 43.

## PART SECOND

## THE GERMANO-BULGARIAN INVASION IN MACEDONIA

No. 45

*Lieutenant General Baïras, Commander of the 6th Division, to  
the General Staff of the Army, Athens.*

(Telegram)

SERRES, April 27/May 10, 1916.

A Bulgarian commander, who met one of our officers, declared to him that by reason of an agreement entered into between Mackensen and our government, the Germano-Bulgarians were permitted to occupy any point situated [up to] two kilometers of the frontier which might be considered useful from a strategical and tactical point of view, and that, relying on this authorization and in consequence of an order from the Commander-in-Chief, he had occupied the hills dominating Lehovo; that all the boundary line was at our disposal, except the occupied points, that the entrance of Bulgarian troops into Lehovo had been forbidden and that [he expected] a friendly settlement of the question.

BAÏRAS.

No. 46

*Lieutenant General Yannakitsas, Minister of War, to the IV Army  
Corps, at Cavalla.*

(Telegram)

ATHENS, April 28/May 11, 1916.

According to the agreement entered into between the Germans and the Bulgarians, in the section Ali Boutous—Selmen-Kayassi we shall retire one to two kilometers from the boundary line, while the Germans and the Bulgarians may reach the boundary line without crossing it, in order that a neutral zone may be formed to our disadvantage, since the Germano-Bulgarians are defending themselves

against the English and the French established in our territory. Consequently, both the small advances to the north of Vetrina as well as the advance made near Lehovo constitute a violation of our agreement. Inform the Bulgarian commandant of Lehovo that he is mistaken about the agreement. Explain to him what is really going on and tell him that the dispute will be settled by the governments. Add that, not doubting his good faith and with the view of maintaining friendly relations between the two states, you will not use force against him, and that he can stay where he is now until the pending question is settled by the government, but that you will prevent by force any new advance on his part or on the part of any other detachment. All this you will tell him as coming from you. The 3rd Army Corps should, in what concerns it, conform itself to the contents of the present order.

YANNAKITSAS.

No. 47

*Mr. E. Skouloudis, President of the Ministerial Council, Minister for Foreign Affairs, to Mr. A. Naoum, Minister of Greece at Sofia.*

(Telegram)

ATHENS, April 29/May 12, 1916.

Bulgarian troops have occupied certain points in our territory to the north of Vetrina and the heights of Lehovo. A Bulgarian commandant explained to one of our officers of the boundary region that these occupations were made in accordance with the agreement entered into between Marshal Mackensen and the Royal Government, according to which the Bulgarians have acquired the right to occupy any point which might be useful for their operations in a zone of two kilometers on this side of the frontier. This is an evident mistake. What we have consented to is only that the Bulgarians should not be bound to respect the neutral zone of one kilometer on each side of the frontier which was established in fact in the beginning of our mobilization, and that in the sector of Ali Boutous—Seimen-Kayassi we would withdraw our troops to a distance of one to two kilometers on this side of the frontier; therefore, the Germano-Bulgarians can carry on operations there up to the frontier, but without crossing it. Consequently, the Bulgarian advance to Vetrina and Lehovo,

far from being in accordance with the agreement, is an evident violation of it. Our officer of the boundary line explained to the Bulgarian commandant his mistake and told him that he tolerated him temporarily pending a friendly settlement between the two governments concerning the two occupations which have been wrongly effected, but that he would oppose by force any new advance.

Please explain the above to the Minister for Foreign Affairs and beg him kindly to see that orders are given to the Bulgarian troops operating in the frontier to evacuate the points occupied in our territory and to respect strictly the agreement entered into, in order to avoid incidents the consequences of which might be very regrettable.

SKOULODIS.

No. 48

*Letter sent by Count Von Mirbach-Harff, Minister of Germany at Athens, to Mr. E. Skouloudis, President of the Ministerial Council, Minister for Foreign Affairs.*

ATHENS, May 9/22, 1916.

(Received May 10/23, 1916).

Mr. President of the Council:

In consequence of the aggressive measures recently undertaken by the troops of the Entente, Germany and her Allies are obliged to enter Greek territory in order to insure the free passage of the most important narrow passes of Roupel. This is solely a purely defensive measure due exclusively to the movements of the military forces of the Entente, which will be maintained within the limits necessitated by purely military interests.

Proceeding from this point of view, the Imperial Government of Germany does not in any way hesitate to give to the Royal Hellenic Government the following assurances:

(1) The territorial integrity of the kingdom will be absolutely respected.

(2) The Allied troops will evacuate Greek territory as soon as the military reasons requiring this action shall cease to exist.

(3) Greek sovereignty will be respected.

(4) Personal liberty, private property and the existing religious conditions will be respected.

(5) Any damage caused by the German troops during their stay in Greek territory will be indemnified.

(6) The Allies will deport themselves in an absolutely friendly manner towards the population of the country.

Please receive, Mr. President of the Council, the assurances of my high consideration.

MIRBACH.

No. 49

*Letter sent by Mr. G. Passarof, Minister of Bulgaria at Athens, to Mr. E. Skouloudis, President of the Ministerial Council, Minister for Foreign Affairs.*

ATHENS, May 9/22, 1916.

(Received May 10/23, 1916).

Mr. President of the Council:

Bulgaria and her Allies are obliged, on account of the aggressive movement of the troops of the Entente, to insure to themselves the free passage of the most important narrow passes of Roupel and for that object to effect the advance of their troops in Greek territories. It is merely a purely defensive measure which has been rendered necessary by the actions of the Entente, and which will be strictly limited to the military necessities.

The Royal Government of Bulgaria begs furthermore to make to the Royal Government of Greece the following declarations:

(1) The territorial integrity of the kingdom will be absolutely respected.

(2) The Allied troops will evacuate Greek territory as soon as the military reasons requiring this action shall cease to exist.

(3) Greek sovereignty will be respected.

(4) Personal liberty, private property and the existing ecclesiastical *status quo* will be respected.

(5) Any damage caused by the Bulgarian troops during their stay in Greek territory will be indemnified.

(6) The Allies will deport themselves in an absolutely friendly manner toward the population of the country.

Please receive, Mr. President of the Council, the assurances of my high consideration.

G. PASSAROF.

## No. 50

*Letter of Mr. E. Skouloudis, President of the Ministerial Council, Minister for Foreign Affairs, to Count Von Mirbach-Harff, Minister of Germany at Athens.*

ATHENS, May 10/23, 1916.

Mr. Minister:

I have received the communication under yesterday's date which Your Excellency honored me by transmitting in order to inform me that in consequence of the aggressive measures recently undertaken by the troops of the Entente, Germany and her Allies are obliged to enter Greek territory in order to insure the free passage of the most important narrow passes of Roupel; that this is solely a purely defensive measure due exclusively to the movements of the military forces of the Entente, which will be maintained within the limits necessitated by purely military interests; that proceeding from this point of view, the Imperial Government of Germany does not in any way hesitate to give to the Royal Hellenic Government the following assurances:

- (1) The territorial integrity of the kingdom will be absolutely respected.
- (2) The Allied troops will evacuate Greek territory as soon as the military reasons requiring this action shall cease to exist.
- (3) Greek sovereignty will be respected.
- (4) Personal liberty, private property and the existing religious conditions will be respected.
- (5) Any damage caused by the German troops during their stay in Greek territory will be indemnified.
- (6) The Allies will deport themselves in an absolutely friendly manner towards the population of the country.

I take note of all the assurances contained in that communication, and beg Your Excellency to accept the assurance of my high consideration.

SKOULOUDIS.

## No. 51

*Mr. E. Skouloudis, President of the Ministerial Council, Minister for Foreign Affairs, to Mr. G. Passarof, Minister of Bulgaria at Athens.*

(Letter)

ATHENS, May 11/24, 1916.

Mr. Minister:

Acknowledging receipt of your communication of yesterday's date, I have the honor to bring to your knowledge that I take note of all the declarations contained therein.

Please accept, Mr. Minister, the assurance of my high consideration.

SKOULOUDIS.

## No. 52

*Mr. N. Theotoky, Minister of Greece at Berlin, to Mr. E. Skouloudis, President of the Ministerial Council, Minister for Foreign Affairs, Athens.*

(Telegram)

BERLIN, May 13/26, 1916.

I have reasons to believe that we should have in view the probability of an impending advance of the Germans and Bulgarians in the narrow passes of Roupel.

THEOTOKY.

## No. 53

*Mr. E. Skouloudis, President of the Ministerial Council, Minister for Foreign Affairs, to the Royal Legations at Berlin, Vienna and Sofia.*

(Telegraphic Circular)

ATHENS, May, 14/27, 1916.

Yesterday afternoon German and Bulgarian detachments crossed our boundaries at Koula, to the north of Demir-Hissar, and attempted to occupy the fortress of Roupel, the garrison of which resorted to force in order to hold its position. Other detachments, consisting of 25,000 men, coming down this morning from the sectors of Tsingheli and Vetrina, occupied the heights toward Demir-Hissar and the bridge of Strouma. They also took possession of the wooden bridge of Demir-Hissar. The population of this region is panic-stricken and is preparing to emigrate *en masse*, for it still retains the sad memory of the Bulgarian persecutions of 1912 and 1913.

This irruption into Greek territory is contrary to the agreement entered into between the German and Bulgarian military authorities and our own, according to which their troops, having been released from the obligation of observing the neutral zone which has been established since the mobilization, could advance up to the boundary line but not cross it. In face of the excitement caused by the above mentioned invasion, both amongst the populations of the invaded regions and the public opinion of the whole of Greece, the Royal Government is bound to protest in the strongest manner to the Imperial German Government and to those of its Allies, and to insist



that orders be given to evacuate as soon as possible the Greek territory invaded by the German and Bulgarian troops.

Please proceed without delay to a firm representation in the above sense to the government to which you are accredited and acquaint me immediately with the result.

SKOULODIS.

No. 54

*Letter sent by Mr. E. Skouloudis, President of the Ministerial Council, Minister for Foreign Affairs, (1) to Count Von Mirbach-Harff, Minister of Germany, (2) to Mr. J. Szilassy, Minister of Austria-Hungary, (3) to G. Passarof, Minister of Bulgaria, City.*

Mr. Minister:

ATHENS, May 15/28, 1916.

The day before yesterday in the afternoon German and Bulgarian detachments crossed our frontier at Koula, to the north of Demir-Hissar, and attempted to occupy the fortress of Roupel, the garrison of which was obliged to resort to force in order to retain its position. Other German and Bulgarian detachments, consisting of nearly 25,000 men, penetrated yesterday in the sectors of Tsingheli and Vetrina and occupied the heights towards Demir-Hissar, as well as the bridges of Strouma and Demir-Hissar.

This sudden irruption of important forces into Greek territory not only constitutes a violation of neutrality, but is also contrary to the agreement entered into between our military authorities and those of the German and Bulgarian armies, according to which the troops of the Central Powers, having been released from the obligation of observing the neutral zone established since the mobilization, could advance up to the Greek boundary line but without crossing it.

In face of this violation of neutrality and the lively emotion caused by it, both amidst the populations of the invaded regions as well as the public opinion of the whole of Greece, I must send to Your Excellency for transmission to your government, the strongest protests of the Royal Government, and to insist that the German and Bulgarian troops evacuate as soon as possible the Greek territories invaded by them, begging you to transmit the present note to your government.

Please accept, Mr. Minister, the assurances of my high consideration.

SKOULODIS.

## No. 55

*Mr. E. Skouloudis, President of the Ministerial Council, Minister for Foreign Affairs, to the Royal Legations at Paris, London, Rome, Bucharest, Petrograd and Constantinople, and the Consulate General at Bern.*

(Telegraphic Circular)

ATHENS, May 16/29, 1916.

I have the honor to inform you that in the afternoon of the 13th of this month, German and Bulgarian detachments crossed our frontier at Koula, to the north of Demir-Hissar, and attempted to occupy the fortress of Roupel, the garrison of which was obliged to resort to force in order to hold its position. Other German and Bulgarian detachments, consisting of nearly 25,000 men, penetrated the next day in the sectors of Tsingheli and Vetrina and occupied the heights towards Demir-Hissar, as well as the bridges of Strouma and Demir-Hissar.

In face of this violation of Greek territory, the Royal Government addressed yesterday evening to the Governments of Germany, Austria and Bulgaria a strong protest and demanded that the German and Bulgarian armies evacuate as soon as possible the Greek territories invaded by them.

You may communicate the above in your next conversation with the Minister for Foreign Affairs, but without calling on him specially or giving him a copy.

SKOULOUDIS.

## No. 56

*Mr. G. Theotoky, Minister of Greece at Berlin, to Mr. E. Skouloudis, President of the Ministerial Council, Minister for Foreign Affairs, Athens.*

(Telegram)

BERLIN, May 17/30, 1916.

A communiqué of the General Staff announces only today the advance of the German and Bulgarian troops to the narrow passes of Roupel as follows:

German and Bulgarian forces, in order to insure themselves against the sudden attacks which the troops of the Entente were intending to undertake, occupied the cluster of the narrow passes of Roupel, near the Strouma. The weak Greek outpost withdrew on account of numerical superiority. The sovereign rights of Greece have been respected.

THEOTOKY.

## No. 57

*Mr. L. Coromilas, Minister of Greece at Rome, to Mr. E. Skouloudis, President of the Ministerial Council, Minister for Foreign Affairs, Athens.*

(Telegram)

ROME, May 17/30, 1916.

I have seen some persons of high standing since the telegrams from Greece and Sofia announced the invasion of our territory by the Bulgarians with fifes and drums, occupying our outposts and villages, following step by step our soldiers who have withdrawn without resistance. The impression which it made here is deplorable. And that because they remember the declaration made by us a while ago that we would never allow our hereditary enemy, — from whom we can expect nothing but misfortunes and ruin, — to cross our frontier and to tread as conquerors the soil of Greece. Many persons ask what value have our assurances; and the Italians are ready to believe that, as in Macedonia, so also in Epirus, we shall retreat before the Bulgarians, with or without the Austrians, and that it is better that no account whatever be taken of us, of our deceitful promises, and of our imaginary guarantees. Bulgaria, having at the head a German Marshal, who is her own king, invaded Greece under auspices of which she could never have dreamed; she will never depart from there, unless we have the force to throw her out of our territory, and this force they do not see either in our will or in our army. If she is defeated, she will be defeated by others than us; if victorious, she will drive in again and firmly erect her flag on the very spots which she has drenched with Greek blood in her old massacres, and very delusive is the hope that they would dislodge her in favor of those who have not fought.

COROMILAS.

## No. 58

*Mr. D. Caclamanos, Chargé d'Affaires of Greece at Paris, to Mr. E. Skouloudis, President of the Ministerial Council, Minister for Foreign Affairs, Athens.*

(Telegram)

PARIS, May 19/June 1, 1916.

The impressions of the French Government on the invasion of Greek Macedonia were communicated to me by the Director of Political Affairs in a long conversation with him, which was as follows:

Mr. Margerie told me that public opinion was under the impression that the events which have taken place during these last days are the result of an agreement between Greece and the Central Powers. Furthermore, information from German sources confirms this impression. As for the French Government, it is disposed to accept the explanation that considerations of defense had led the Bulgarians to occupy strategical positions such as the narrow passes which the fortress of Roupel commands, but the advance of the Bulgarian army into the interior of Greek Macedonia, the occupation by it of the environs of cities coveted by Bulgaria, the possible march of the Bulgarians on Cavalla, must necessarily lead it to draw the natural conclusion that Greece must have received assurances guaranteeing the restitution of these regions, of the value of which assurances she ought not to have the slightest illusion.

In any case, the situation has radically changed by reason of the Bulgarian advance. In fact, Greece, by her passive attitude in the face of an invasion which might weaken the military situation of the Allies, appears to be abandoning her policy of benevolent neutrality, and, consequently, the Entente can not but resume the necessary freedom in order to insure the preponderance of its armies acting in the Balkans. This freedom has reference as much to military operations as to measures of internal police, and General Sarrail has to that effect received orders giving him an extent of action larger than heretofore.

In my conversation with Mr. Margerie, I did not fail to make use of the information transmitted to me by your telegram.<sup>1</sup>

CACLAMANOS.

No. 59

*Mr. D. Panas, Minister of Greece at Petrograd, to Mr. E. Skouloudis, President of the Ministerial Council, Minister for Foreign Affairs, Athens.*

(Telegram)

PETROGRAD, May 21/June 3, 1916.

The Director of Political Affairs, speaking to me on the situation in Greece, told me today that in France and in England they are much irritated against us and that in official circles here there is the impres-

<sup>1</sup> See document No. 55.

sion, if not the conviction, that the occupation of Roupel and the advance of the Bulgarians in Macedonia, to which Greece has consented, prove the existence of a preliminary agreement with Bulgaria. They combine these facts, upon which they comment very much. with the interview of General Dousmanis, published in April by a Swedish newspaper, a telegraphic summary of which, by a surprising coincidence, was only transmitted here yesterday. I hastened to explain to the Director that there was no truth in any of that, and that he could not pass upon the policy of a government on mere suppositions and attribute to it a design which it never had. As the words of the General have probably been distorted by the newspaper, I think it would be proper to make, as soon as possible, a categorical denial of the declarations attributed [to him].

I understand that the withdrawal of the guarantees which were given to us at the time of the temporary occupation of our territories is now the subject of an exchange of views between the Entente Powers and we may expect coercive measures.

I must add that the Director is in constant touch with the Minister for Foreign Affairs and reflects in his conversations the views of his chief.

PANAS.

No. 60

MINUTES OF THE BOULÉ OF THE HELLENES

*53d Session of May 23/June 5, 1916.*

(Extract)

The sitting having been resumed, Mr. E. Skouloudis, the President of the Government, communicated to the Boulé the following:

Since the suspension of the labors of the Boulé, serious events have taken place in our country which may be thus narrated:

On the 13th of May at 12 o'clock noon, the Ministry of War received from the commander of the 4th Army Corps at Cavalla, a telegram according to which the 6th Division reported to the 4th Army Corps at 11:45 P.M. that a mixed column of Germans and Bulgarians had informed our battalion near Roupel that it would enter our territory. The 4th Army Corps added, that in accordance with the previous orders of the Ministry, the 6th Division ordered our detachments at Roupel to resist by force the advance of the Germans and Bul-

garians. The same hour, 12 noon, the Ministry of War received a telegram from the 3d Army Corps stating that the outposts of the company of Vetrina (in the narrow pass of Roupel on the other shore of the Strouma) had reported that a detachment of the German army, led by German officers, surrounded our outposts and declared it would enter our territory in order to occupy some important positions. In answer to the reply of our men that they had orders to resist, the commanding officer declared that he would occupy the heights at any cost, and at the same time other German detachments were crossing the boundaries with convoys. At 1:20 p.m. another telegram was received from the 4th Army Corps according to which two Bulgarian or German regiments drew up in battle array opposite Hodjogo (to the north of Roupel) and German troops entered our territory in the sector of Topolnitsa. On the other hand, from the telegram of the commander of the Roupel fortress which did not reach here until 11 at night, it follows that the German and Bulgarian forces who crossed our frontier had commenced to appear at 9:45 p.m. At 5:40 p.m. of the same day, on the 13th of May, the Ministry of War received a telegram from the commander of the fortress of Salonika, according to which the Germans and Bulgarians, throwing the responsibility for the occurrences upon the Greek army, crossed the boundary line at 2:30 p.m. and proceeded to the slopes of the fortress Roupel. The fortress fired twenty-four artillery shots at them. At the same time a telegram was received from the 4th Army Corps, according to which the covering infantry had also commenced to fire against the invaders, who stopped.

At 1:00 o'clock in the morning of the 13th to the 14th a telegram was received from the 6th Division, according to which the commander of the Germano-Bulgarian troops opposite Roupel declared to the commander of the fortress that it must be evacuated during the night because it would at all events be occupied by them. Under these circumstances, the government, seeing on one hand the determination of the invaders to occupy the fortress, and, on the other hand, that the continuation of armed resistance was likely at any moment to be transformed into a general clash, and lead to the abandonment of the policy of neutrality — which it does not intend to abandon, — ordered, through the Ministry of War, first, the cessation of resistance, and later that a declaration should be made to the German commander that in view of the general invasion of the German army in the narrow

pass of Demir-Hissar, inside of which the fortress is located, the garrison of the fortress was obliged to withdraw, carrying with it all the war material in the fortress. Since the evening of May 13th our military authorities had lodged protests against the Germans and Bulgarians. On May 15th, at 2:00 P.M. the Ministry of War received a telegram from the commander of the fortress of Salonika, bearing date of the previous day, according to which on May 14th, at 9:45 P.M., namely, twenty-four hours after the first appearance of the invasion, our commander had departed from Roupel; that the garrison had taken with them the heavy guns and all the field guns, except two of which they took away the breechblocks, a sufficient number of infantry cartridges, all the sanitary material, and the gun sights, regulators, all tools of the engineering [corps], dynamite, gun-powder and the quick firing guns. A German officer by the name of Thiel occupied the fortress and drew up a protocol for the remaining material and the two field guns, which are to be restored. A more recent telegram from the 6th Division, dated May 15, reported that the war material of the Roupel fortress had been transported to Serres.

On May 14 the government hastened to protest, in the strongest manner, to the Governments of Germany and her Allies against these events. The same day, after this protest had been sent, a telegram was received from the Minister of Greece at Berlin, dated the previous day at 8:00 P.M., namely, the 13th day of May, in which the minister informed the government that "he had reasons to believe that we should have in view the probability of an impending advance of the Germans and Bulgarians in the narrow passes of Roupel."<sup>1</sup> From this telegram it is seen that the fact of the invasion, which commenced on the morning of May 13th, was not communicated to the minister at Berlin up to the evening of the same day.

On May 17th, the following official communiqué of the German General Staff was published in Berlin:

German and Bulgarian forces, in order to insure themselves against sudden attacks from the Entente troops, occupied the cluster of the narrow passes of Roupel, near the Strouma. The weak Greek garrisons withdrew on account of numerical superiority. The sovereign rights of Greece have been respected.<sup>2</sup>

The documents exchanged between our officers and the invaders, the protests and protocols, as well as the detailed reports of our

<sup>1</sup> See document No. 52.

<sup>2</sup> See document No. 56.

officers, have not yet been received on account of the interruption of safe communications, which interruption also made telegraphic communication difficult during those days.

That is the manner in which the occupation of the narrow passes of Roupel took place. From this report it is evident that the various reports, which were intentionally circulated in order to slander Greece, that she acted perfidiously towards the interests of the Entente and in a partial manner in favor of their adversaries, were baseless. In view of such reports, I must declare and affirm in the most categorical manner that what happened was not due to an understanding with the Greek Government and that the Greek Government did not acquiesce in nor tolerate them, the proof of which is that the fortress of Roupel fired shots against the invaders.<sup>1</sup>

The reports maliciously circulated that the office of the General Staff or any other office of the government, had, as alleged, come to a previous understanding with the Germans and Bulgarians that Roupel should be surrendered to them, are unworthy of a denial or even of a simple answer. No service, either the service of the General Staff or any other, acts without proper direction, but all the services act under the orders and responsibility of the government.

On the other hand, I should not omit to say that the character of the action of the Germans and Bulgarians who invaded Greek territory, according to the declarations which were made concerning it, permits the government to give the assurance that it is an act which has been done with an absolutely military object in view and which does not in the least endanger the integrity or interests of the country. (Applause.)

No. 61

*Mr. E. Skouloudis, President of the Ministerial Council, Minister for Foreign Affairs to the Royal Legations at Paris, London, Rome and Petrograd.*

(Telegraphic Circular)

ATHENS, May 24/June 6, 1916.

From the time of the occupation of Roupel by the Germano-Bulgarian detachments, although the surrender of this fortress was a necessity imposed by the policy of neutrality followed by Greece, —

<sup>1</sup> See documents Nos. 48, 49, 50 and 51.



a policy which in no way implied armed resistance when detachments belonging to the Powers enemies of the Entente decided to occupy the positions which seemed to them to be necessary, — the most malicious reports have been circulated in regard to our attitude in that matter. The opponents of the government and the strangers who are interested in seeing the relations between Greece and the Entente Powers embittered have not hesitated to affirm that the surrender of Roupel fortress was agreed upon beforehand between the Royal Government and the enemies of the Entente, in order to injure the military security of the army of General Sarraïl or the success of his future operations.

For that reason I deemed it necessary to refute these slanders by the declarations I made yesterday in the Chamber, of which a summary in extenso was transmitted by telegraphic agencies.<sup>1</sup>

Please take advantage of your first conversation with the Minister for Foreign Affairs in order to repeat to him the official assurance, that it is absolutely false that the Germano-Bulgarian troops occupied Roupel in consequence of any agreement whatever; that on the contrary, the garrison in the beginning resisted by force the advance of the detachments in question, and that it was only after the declaration made by their chief to the commander of our fortress that if he did not withdraw during the night, Roupel would be occupied by force, that the government, in order to avoid an armed conflict which would have resulted in the abandonment of neutrality by Greece, gave the order for the evacuation of the position. You should add that the governments of the Entente should not allow themselves to be deceived by these slanderous maneuvers, against which both my predecessors and myself were obliged to contend. Thus, under the Zaïmis Ministry, the Royal Legations at Bucharest and at London had advised us that in diplomatic and press circles the report was persistently circulated that an agreement had been made between Greece and Bulgaria about the cession of Ghevgheli and Doiran, and on other questions. Mr. Zaïmis had hastened to deny these reports and to denounce these maneuvers aimed to compromise Greece in the eyes of the Entente. Several times the Bulgarian and Austrian newspapers have published similar news, trying to compromise the members of the Royal Government or the Greek representatives abroad, by publishing so-called interviews which were alleged to have been given

<sup>1</sup> See these declarations in No. 60.

by these persons to correspondents, but which were a tissue of lies. The Allied Governments were finally each time convinced of the untruthfulness of these reports, which were certainly inspired by malice. I hope that this time also it will be the same, after the declarations which were made by the Royal Government before the Chamber and which you are instructed on its behalf to communicate to the Minister for Foreign Affairs.

SKOULLOUDIS.

No. 62

*Mr. D. Caclamanos, Chargé d'Affaires of Greece at Paris, to Mr. E. Skouloudis, President of the Ministerial Council, Minister for Foreign Affairs, Athens.*

(Telegram)

PARIS, May 24/June 6, 1916.

I have just had a long conversation with Mr. Briand, to whom I handed a note containing the protest which was contained in your telegram and stating our point of view as to the interpretation given by us of our benevolent neutrality towards the Entente. I have also verbally explained to the President of the Council that a neutrality, no matter how benevolent it might be, can not involve military [action] against one of the adversaries, because it would then cease to be a neutrality. The President of the Council, after having carefully read the note which was handed to him, entered into a discussion which may be summed up as follows:

The proclamation of martial law in Salonika was the result of the decision [of Greece] not to oppose the invasion of her territory by the Bulgarian army, for it is only the Bulgarian army that is in Greece, the Germans not having available forces for that purpose. In taking this step, General Sarrail informed General Moschopoulos that the holiday of His Majesty the King could be celebrated as usual, and it was the latter who revoked the order for the celebration. As for the want of previous notification to the Royal Government, the latter had been often advised, and in any case, the communication of Mr. Guillemin took the place of such notice.

Mr. Briand repeated to me that the attitude of Greece surprised him the more inasmuch as the Royal Government had often declared that it had received assurances that the Bulgarians [would not invade] Greece. He took a special note of our express denial that there had

been no previous agreement between Greece and the Great Central Powers for the occupation of the fortress of Roupel. He added that, if the Bulgarians advance, General Sarrail "would take all the measures which would seem to him to be proper in order to guarantee the security of the troops under his command." The President of the Council could not tell me what these measures might be, but that in no case could the Allied troops be exposed to danger [words illegible] by reason of the passive attitude of Greece. According to Mr. Briand [words illegible], the aim of the Bulgarians was more than evident. Holding Serbian Macedonia, they wished to hold also the [words illegible] in Eastern Macedonia in order to arrange "combinations" in the future. He assured me that for some time past, they had attempted through various agents to lure the Powers of the Entente into negotiations. Holding the keys of the gates which lead to Serres, Drama and Cavalla, they [the Bulgarians] may reach there whenever they consider the moment favorable. If they do not advance now, it is because their flank would be exposed to the attacks of the Allies.

CACLAMANOS.

No. 63

*Mr. D. Caclamanos, Chargé d'Affaires of Greece at Paris, to Mr. E. Skouloudis, President of the Ministerial Council, Minister for Foreign Affairs, Athens.*

(Telegram)

PARIS, May 24/June 6, 1916.

The serious phase in which our relations with the Entente have entered, impose upon me the duty to summarize as briefly as possible the situation as it is here regarded, and developed from my official or other conversations, as well as from all the newspaper editorials of these days [which I transmit to you], in order that Your Excellency may have all the necessary elements for the explanation of the sentiments of official circles and public opinion in France.

First of all, one should note that the attitude of Mr. Briand is dictated by considerations of both an external and internal character. In fact, since the invasion of Greek territory by the Germano-Bulgarian forces without any effective resistance from us and the consequent conviction which has been formed here that an agreement exists between Greece and the Central Powers, the President of the

Council seems to be haunted by the memory of the previous discomfitures caused by the Bulgarians, and to believe that he might be exposed to similar disappointments from us. In order, therefore, to defend himself against any subsequent charge that he has shown too much benevolence towards Greece, he is beginning to take rigorous measures of which I fear the proclamation of martial law in Salonika is only a prelude. The phrase uttered by a journalist, "if Ernest Renan was watching over the Acropolis, all that would not have happened," is sufficiently characteristic, and official organs do not cease to amplify on the subject that the Germans only know how to appear strong and that the Orientals are only impressed [by] force.

The belief that the occupation of the Roupel fortress was agreed upon between Greece and the enemies of the Entente was not given credence by the telegrams of the "Exchange" agency, which you instructed me to deny simultaneously with the denials transmitted directly from Athens through the agencies and published in the French press, but by information which was given out by the *Neueste Nachrichten* of Munich which alleged that an agreement between Greece and Bulgaria existed not only on the question of the invasion of Greek territory, but also on the other disputed questions between the two countries. It is this information to which Mr. Margerie alluded during our conversation the other day,<sup>1</sup> and the officious *Wiener Allgemeine Zeitung* has just published news which is considered here as a confirmation of it.

I will add that the French Government, although thinking perhaps that Greece could not have opposed by force the invasion of her territory by the Bulgarians, hoped, however, as I positively know, that she would have prevented the invasion through diplomacy, because of the excitement which such action would cause in Greece. Disappointed in this hope, he concluded that definite agreements bound Greece with the Central Powers of such importance that even the occupation by the Bulgarian army of the Macedonian regions coveted by Bulgaria could not disturb her. We should not overlook that the excitement of a portion of the Italian press does not remain without effect. Thus, its charge that the new loan furnished by the National Bank was only made possible through the assistance of German-American financiers, is beginning to receive wide publication here and naturally it adds to the excitement of French public opinion.

<sup>1</sup> See document No. 58.

## No. 64

*Mr. G. Passarof, Minister of Bulgaria in Athens, to Mr. E. Skouloudis, President of the Ministerial Council, Minister for Foreign Affairs.*

ATHENS, May 27/June 9, 1916.

Mr. President of the Council:

In reply to Your Excellency's letter dated May 15th last, concerning the occupation by the German and Bulgarian troops of the fortress Roupel, the heights and the bridge of Demir-Hissar, as well as of the bridge on the Strouma, the Royal Legation of Bulgaria, in the name of its government, has the honor to bring to the knowledge of the Hellenic Government that these military operations were imposed as a natural measure of security and legitimate defense against the considerable advance of the troops of the Entente on Greek territory in the section opposite the above mentioned places, an advance which will evidently be followed by an attack.

The Royal Government of Bulgaria begs to declare that imminent danger compelled it to act thus in the circumstances, and that the measure which was adopted will in no way impair the sovereign rights of Greece.

Please accept, Mr. President of the Council, the assurances of my high consideration.

PASSAROF.

## No. 65

*Memorandum of Service of the General Director of the Ministry for Foreign Affairs.*

ATHENS, June 7/20, 1916.

The official documents of the Bulgarian Government which have come into the possession of the Ministry concerning the surrender of the Roupel fortress do not make any mention about restitution. They confine themselves to the declaration that this occupation will not impair the sovereign rights of Greece. But, as the President informed me that he is in possession of documents pledging the restitution of the fortress by Germany and by Bulgaria, I begged him a few days ago to place these documents in the official files of the Ministry. The President answered me that he would do so in due time. Today I reminded him again of the necessity of such a filing, as well as the recording of the protocol of the surrender of the fortress Roupel, a protocol which has not yet been received in the office. The President again repeated the promise that he would file these documents.

## No. 66

*Letter of Mr. E. Skouloudis to Mr. N. Politis, General Director  
of the Ministry for Foreign Affairs.*

ATHENS, June 8/21, 1916.

Dear Mr. Politis:

I am sending you, herewith attached, for the Ministry for Foreign Affairs, two documents dated May 9/22 ultimo, the one from the German, the other from the Bulgarian, Legations here, and my answer to them.<sup>1</sup> As you will notice, the said Legations in presenting these documents characterized them as secret; but afterwards, at my request, the Minister of Germany informed me, by order of his government, that the characterization of secrecy was withdrawn and that we could make use of the said documents whenever we wished.

With high esteem,

E. SKOULOUDIS.

## No. 67

*Extract from the Confidential Record of the Ministry for Foreign Affairs  
for the year 1916.*

Number of order	Entered		Date of recording	Forwarding authority	Summary of docu- ment entered
	Date	Number			
7242	August 9	7147	9 August	German Legation	That the Germano- Bulgarian troops will not enter in the cities of Drama, Serres and Cavalla. <sup>2</sup>

<sup>1</sup> See documents Nos. 48, 49, 50 and 51.

<sup>2</sup> This document was not found in the archives of the Ministry.

## No. 68

*Letter sent by Count Von Mirbach-Harff, Minister of Germany at Athens,  
to Mr. A. Zaïmis, President of the Ministerial Council,  
Minister for Foreign Affairs.*

ATHENS, August 15/28, 1916.

Mr. President of the Council:

Referring to the communication which Mr. Caradja was pleased to make to me in your name last Tuesday, I have the honor to bring to the knowledge of Your Excellency that the situation in the district of Cavalla has since been modified by the fact that the Greek troops voluntarily surrendered to the Bulgarians the forts and batteries in question. An inventory of the material found there on that occasion was made by both parties.

The Bulgarians have been stationed around the city but outside of its suburbs. General Jekoff took the necessary steps to insure the revictualling of the population as well as the Greek troops.

Please accept, Mr. President, the assurances of my high esteem and devoted and sincere sentiments.

MIRBACH.

## No. 69

*Report of Lieutenant-Colonel Troupakis, Superior Commandant of the  
Gendarmerie in Macedonia to the Ministry for Foreign Affairs  
(Direction of Political Affairs), Athens.*

SALONIKA, August 28/September 10, 1916.

I have the honor to report that, after the invasion of the Bulgarians in Eastern Macedonia and its occupation by them, both the postal and telegraphic communication were interrupted, and consequently my office has not been able since the 5th ultimo to communicate with the police precincts of Serres and Drama, which are under our office, and is ignorant of what has and is happening in the jurisdiction of said precincts at the expense of the inhabitants and the military and other authorities.

Only yesterday the police volunteers of the second class, namely, Joannes Tsikrikontis, Apostolos Chryssafides, and Apostolos Bozadjis, of the police precinct of Drama, having arrived here via Cavalla and Thassos, appeared before me and reported that the Bulgarians are

committing outrages at the expense of the Greek authorities, not omitting anything to show their inimical disposition and criminal instincts, and that the Bulgarians have in substance committed the following acts:

(1) On the night of the 6th to the 7th ultimo, the Turkish inhabitants of the district of Doxato, encouraged by the Bulgarian troops who invaded that district, and enraged against everything Greek, rebelled and attacked the Greek inhabitants and the men of the flying column under the command of Adjutant Constantine Limberi. An encounter followed which caused the death of two Turks and the capture of twenty-eight, of whom thirteen were freed by force from the prisons by the Bulgarian soldiers of Doxato. Sergeant Panazotis Demetracopoulo of the flying column was slightly wounded on the left foot.

(2) From the 8th to the 9th of the same month, seven gendarmes of Sarnitz Post and Sergeant Tryphon Yannari, the chief of the post, including Sergeant Stamatios Chrysafides, were killed by the rebel Turks and the Bulgarian *comitadjis*.

(3) At Oxilar, four gendarmes whose names are not known were killed, together with eleven soldiers and a sergeant with their lieutenant.

(4) On the 10th ultimo, the gendarme Demetrios Papas with his comrade Athanassios Amaxopoios of the police sub-precinct of Sarisaban, while accompanying the public treasurer of Keramiti, were attacked by Bulgarian soldiers, in the course of which Papas was killed and Amaxopios severely wounded in the shoulder-blade, as I reported also in my letter of the 12th ultimo.

(5) The gendarmes of the flying column of Prosotsani and the commander of the flying column, Adjutant Constantine Gali, were disarmed and insulted by Bulgarian soldiers; having been re-armed by the police precinct of Drama, they were again disarmed and, after being beaten, were ordered to return to Drama.

(6) The Turks of the district of Moustratli, immediately after the invasion of the Bulgarians, were armed and attacked the men of the police post, whom they would have killed had they not succeeded in escaping. The Turks entered Doxato and proceeded to plunder and exterminate the Greek inhabitants, which provoked an encounter with the gendarmerie, as is mentioned in the first paragraph of the present report.



(7) The refugee inhabitants of Yennikeuy and Dariovi, in order to escape the fury of the Bulgarians, fled to Cavalla, but on their way they were robbed by the Turkish rebels.

(8) The gendarmes of all the sub-precincts and posts of the police precinct of Drama were disarmed and those who were not killed were beaten and sent to Drama in very bad condition.

(9) Three gendarmes of the police sub-precinct of Pravi, while escorting two Turks to Cavalla, who were accused of robbery, were attacked on their way by Bulgarian soldiers. Their fate is unknown.

(10) The Bulgarians sent word from Drama to Cavalla, where there was a dearth of provisions, that fifty carts should be sent to them, in order that [provisions] may be sent there. These were sent in the custody of three gendarmes and three soldiers. They [the Bulgarians] cut the finger ends of both hands of one of the soldiers, and disarmed the gendarmes and sent them to Cavalla.

(11) The chief, Comitadji Panitsa, at the head of *comitadjis*, goes about freely in the District of Drama, robbing, killing, etc.

(12) All the Bulgarian and Turkish inhabitants of Eastern Macedonia, assisted by the Bulgarian army, kill the Greek inhabitants, and plunder and destroy their properties; the latter, in face of the danger which hangs over them, flee panic-stricken to Cavalla and from there to Thassos, leaving everything at the mercy of the murderers and persecutors, the Greek authorities not being in position to afford them the slightest help. Thus Eastern Greek Macedonia is at the absolute disposal of the hereditary enemies of the nation.

TROUPAKIS.

No. 70

*Mr. A. Naoum, Minister of Greece at Sofia; to Mr. E.  
Zalocostas, Minister for Foreign Affairs, Athens.*

(Telegram)

SOFIA, December 5/18, 1916.

I am informed by a subordinate official of ours who came from Serres, that many notables had been either imprisoned or expelled from there, and that Bulgarian night-patrols have entered houses and plundered them. The population is suffering from the terrible high prices and the rudeness of the Bulgarians, and there is not a single German officer to supervise the Bulgarian administration. The roofs

of the military barracks and the School of Agriculture were removed in order to furnish timber for the construction of trenches. It is said that after the deportation of the population of the district of Bairacli-Djoumaza because of military necessity, Bulgarian soldiers, according to the orders they had received, plundered houses and carried to an unknown place the spoils of their plunders. The above mentioned city was completely destroyed by the bombardment and the population was transferred to Pozarevitch. I am informed from Drama that the Greek authority exists only in form. Taneff, the military governor, dismissed the Greek mayor of Cavalla, with all the municipal council, and replaced him by a Turk. Lastly, the mayors of the villages were dismissed and Bulgarians and Turks were appointed in their places. In some villages the churches and the schools were taken possession of, and the Bulgarian language started to be taught. Many plunderings and forced contributions [without] payment have taken place and it is said that the village of Nea Midia was completely destroyed and the inhabitants murdered. Many of our compatriots from Drama and Cavalla [words illegible] are detained as prisoners. The native Turks in the beginning plundered many villages and killed a good many of the Christian inhabitants. It seems that now some kind of order has begun to be established, but on account of the high prices of the provisions and the insufficiency of bread the population of the occupied places is suffering much. Plunderings did not take place in Drama, but in Cavalla all the houses have been forcibly entered into, and the movable properties will soon be transported to Sofia by special trains. The refugees of the district of Serres were taken by force to Drama, where they suffer immensely from hunger, and deaths from hunger were noted [words illegible]. The above mentioned refugees will be transported to Serbia for residence there. I have made the necessary representations to the Prime Minister concerning the above situation, and have telegraphed to the Royal Legation in Berlin in order that proper action might be taken.

NAOUM.

## No. 71

*Mr. E. Zalocostas, Minister for Foreign Affairs, to Mr. N.  
Theotoky, Minister of Greece at Berlin.*

(Telegram)

ATHENS, December 13/26, 1916.

From the telegram of our minister at Sofia dated the 5th instant <sup>1</sup> you are informed about the horrible situation in which the inhabitants of our provinces occupied by the Bulgarians are found. Plunderings, thefts, destruction and even murders are the order of the day. Our populations, reduced to misery and starving, are decimated. The Greek churches and schools have been taken possession of by the Bulgarians, while the notables of our cities and villages have been thrown into prison.

We earnestly beg the German Government to take the most serious steps in order to put a stop to this deplorable state of affairs; particularly to take away from the Bulgarians the administration of the country and to entrust it to German officials.

You should tell the German Government it is inconceivable that, after having occupied or left to be occupied Eastern Macedonia, which is, indirectly, it is true, the cause of all the misfortunes from which Greece now suffers, after not keeping the express promises given in writing not to occupy the three large Macedonian cities and to respect individual liberty, private property and the religious *status quo*, it now leaves the Bulgarians free to exterminate the Hellenic element in Macedonia.

You should add that we have the right to expect from the Imperial Government radical steps for the security of our nationals in Eastern Macedonia, and of their properties, as well as those belonging to the State.

Please take immediately the above mentioned step and communicate the result to me. Please be guided by the present telegram without leaving copy of it.

ZALOCOSTAS.

<sup>1</sup> See document No. 70.

## No. 72

*Mr. A. Naoum, Minister of Greece at Sofia, to Mr. E.  
Zalocostas, Minister for Foreign Affairs, Athens.*

(Telegram)

SOFIA, January 1/14, 1917.

In continuation of my telegram of December 5th,<sup>1</sup> I have the honor to inform you that General Taneff, the military commander of the territories occupied in Eastern Macedonia, has just arrived in Sofia. In the course of the visit he paid me today, I explained to him at length the sad situation of our nationals, as I had already done in a note presented to the Bulgarian Government. General Taneff attributed some of the excesses which have been committed to the bad conduct of the Turks towards our people, and some to the disorder resulting from the entrance of foreign troops into our territory, but he nevertheless admitted that most of my remarks were well founded and promised to take all the necessary measures for the amelioration of the situation.

I will not fail to keep myself advised, as much as possible, concerning the situation of our nationals in occupied Eastern Macedonia, and to make, from time to time, the necessary representations.

NAOUM.

## No. 73

*Mr. E. Zalocostas, Minister for Foreign Affairs, to Mr. A.  
Naoum, Minister of Greece at Sofia.*

(Telegram)

ATHENS, January 5/18, 1917.

I thank you for the information contained in your telegram of the 1st instant.<sup>2</sup> Please follow closely this very serious question and report to me.

ZALOCOSTAS.

<sup>1</sup> See document No. 70.

<sup>2</sup> See document No. 72.

## No. 74

*Mr. A. Naoum, Minister of Greece at Sofia, to Mr. E. Zalocostas,  
Minister for Foreign Affairs, Athens.*

(Telegram)

SOFIA, February 15/28, 1917.

The Prefect of Drama telegraphs that on account of the anomalous situation created in his district and the want of work, the laboring class is sunk in misery. Many deaths are noted from starvation in Cavalla and in other parts of the province. In order to remedy this situation, I proceeded to establish in the principal places of the Province economical bakeries in order to distribute gratuitously at least bread to the hungry people; but, as in the district of Drama, besides the families without work there flocked thousands of refugees from those that had been installed by the Greek Government in the region of Serres, who were now forced by the Bulgarians, for military reasons, to leave that region. The maintenance of these economical bakeries by private initiative only has become impossible on account of the rise of prices of provisions. The Prefect, therefore, begs that the Royal Government approve a credit of at least 200,000 drachmas for their maintenance, in order to aid the starving populations, particularly those who in great numbers were already receiving an allowance from the commission for the establishment of refugees.<sup>1</sup>

NAOUM.

## No. 75

*Report of a Superior Functionary of Eastern Macedonia, dated March 9, 1917, transmitted from Germany to the Ministry for Foreign Affairs, through the Royal Legation at Berlin.*

I have the honor to report the following facts which I personally observed during my forced residence in Cavalla, or which were reported to me by reliable persons occupying high social position:

<sup>1</sup> This telegram was transmitted on February 25 to the Ministry of the Interior, which returned it on March 1, with the notice that the question should be submitted to the Ministerial Council. The Minister for Foreign Affairs wrote on the same letter of the Minister of the Interior as follows:

"When the financial situation will permit it. For the present to be classified.  
ZALOCOSTAS."

On Tuesday, August 30, 1916, the very next day after the Greek troops of Cavalla left for Drama and Germany, the city was occupied by a Bulgarian company belonging to the forces stationed along the line of the fortresses of Cavalla. As soon as these troops entered [the city] their commander immediately assumed his duties of military governor of the city, placed sentinels at the doors of the public buildings and particularly at those of the depots of war material. The inhabitants, who had already prepared to leave Cavalla, and were gathered along the seashore, were ordered to return to their homes and take back with them their furniture and other things which were heaped up near the sea. No person was allowed to leave the city nor to communicate with the seashore. The Greek flag which was waving on the fortress was lowered and torn up by the Turkish population, who, immediately upon the arrival of the Bulgarians, hastened to renounce Greece and for reasons of interest declared themselves in favor of the cause of the Bulgarians, the allies of the Ottomans in the present war. A public crier warned all the inhabitants that they should remain in their homes from sunset until next morning with all lights extinguished.

After the settlement of these questions, Bulgarian commissary officers who came for that purpose took possession, without delay, of the depots of war material and transported them at night outside the city. The Bulgarian military governor filled the vacant position of mayor of the city by appointing Habi-Bei, a Turk, — who formed a municipal council composed exclusively of Turks, — (the Greek members of the council having been purposely imprisoned for some time as suspects).

Then the Bulgarians and Turks gave themselves to systematic plunder of the properties of the Greek population. All means were used; requisitions of goods which were found in the Greek stores, extortions of moneys; arbitrary confiscation of furniture and other things in the houses; artificial rise of prices, and the skilful and sordid increase of provisions and other articles of first necessity.

Although the lives of the inhabitants were then spared, the Bulgarians began to create during the first months of the occupation an atmosphere of terror in order to make the Greek inhabitants of the city apprehensive of all the dangers. Public order was, however, assured by the Bulgarian patrols, and except for some murders which were committed for robbery and attributed to Bulgarian and Turkish

soldiers (the latter, although claiming to be Greek subjects, were impressed into the army by the Bulgarians and enrolled in special companies), order was maintained. Yet during the first months of the occupation, the Bulgarian authorities were in general very distrustful towards the Greeks, whom they suspected of *Venizelism*, and particularly towards the military men. The latter were arrested and imprisoned by the Bulgarians and after being submitted to all kinds of humiliations were sent to Drama or Sofia. (Such was, for instance, the fate of Eustathios Faraclos, a retired commandant of the commissary department and a bookkeeper of the depot of trench material at Cavalla; of G. Botagas, a reserve sub-lieutenant of infantry, etc.) Similarly, the Greek postal and telegraph officials of Cavalla were removed from that city and sent to Drama, where they now are.

As there were no Greek authorities in Cavalla, the interests of the city were entrusted to Habi-Bei, the Turkish mayor, who, with his municipal council composed exclusively of Turks, resorted to large contributions not only from the municipal money but also from private properties. In consequence of this unrestrained plunder and the complete indifference to the consequences shown by the Turks and the Bulgarian military commandant of the city, the want was felt with an intensity only usual to cities which are subjected to a long siege. A general rise followed in the price of provisions and of articles of prime necessity which threw the inhabitants into complete disorder. Ten to fifteen deaths from starvation were noted, on an average, every day. The military authorities of the city were indifferent to the situation thus created, and thought only of getting possession of the state depots and big commercial houses whose owners had fled. Under the pretext of searching to discover articles for military use which, as it was alleged, the inhabitants had hidden, the Bulgarians in broad daylight literally ransacked the houses. This indifference of the authorities brought a considerable rise in the prices of things of first necessity, a situation of which the Turks and Jews hastened to take unlimited advantage, by reselling to the inhabitants goods which it was admitted by the authorities had been imported from Bulgaria at an average price.

The bread was a miserable mixture of wheat, trifling quantities of oats, rye, barley and other more or less doubtful substances, and was sold at 10 leva the okka (a Bulgarian money imposed on the market and arbitrarily made equal to the Greek drachma). Meat

and dry beans were sold at 8 to 12 leva the okka; cheese at 24 to 36 leva; butter or grease at 40 to 50 leva; salt at 12 to 20 leva; sugar at 60 to 80 leva; rice at 24 leva; vegetables at 4 leva; potatoes at 6 to 8 leva; wine at 8 leva; milk (always adulterated) at 4 leva; barley at 10 leva; eggs at 60 to 80 centimes each; leeks at 1 leva a bundle; charcoal at 1 leva the okka, etc.

After the spoliation of the depots, the Bulgarians, under the pretext of requisition, proceeded to all the large commercial stores, grocery stores (of Sertzos, etc.), hardware stores (Kakidjis, etc.), whose owners had left Cavalla panic-stricken a short time before the Bulgarian occupation. By order of the Bulgarian governor, squads or sections of companies commanded by officers and adjutants entered these houses under the pretext of search, as above explained. Taking advantage of the opportunity, the Bulgarian officers, besides taking military things in very small number, such as rifles, revolvers, covers, water receptacles, carried away, without giving any requisition receipts whatever, all the uniforms of the Greek officers of the garrison of Cavalla which had been left by their owners in their hurried departure (of August 28-29) in the houses or hotels of the city. Thus they [the Bulgarians] took away military articles, furniture and other valuable articles belonging to these officers and their families, particularly those of General Ghennadis, the commander of the 4th Army Corps (in a building occupied by the offices of the Army Corps), of General Hadjopoulos, commander of brigade (in the building of Serdaroglou, the mayor of Cavalla), of J. Costakis, chief of squadron, of G. Cordzas, C. Capodostria, and Coumoundouros, commandants of infantry, of the officers who lived at the Grand Hotel, and of numerous superior and subordinate officers who resided in Cavalla with their families. Any person wearing a military uniform or anything resembling one who was met by a Turkish or Bulgarian soldier was immediately stripped of his uniform and it was delivered to the depot, the sale of such things being strictly forbidden in the market.

The plundering of the city and the search being finished, Mr. Angheloff, a Bulgarian sub-lieutenant of the navy reserve, was appointed as its governor. He dismissed the Turkish mayor and appointed in his place Serdaroglou, a Greek who was assisted by a municipal council composed of Greeks. Thanks to the energetic measures adopted by Mr. Serdaroglou, the importation of flour and the distribution of bread by card, which was commenced during the



administration of the Turkish mayor in order to prevent a famine, became more intense. The quality of the bread was improved and aid to the poor was actively organized (distribution of bread and soup for the poor). In a word, the city of Cavalla felt a little relieved from the evils from which it had suffered during these last months. Still, a large number of the houses left by their inhabitants were plundered by the Turks, Jews and the refugees, who carried away whatever could be utilized (tiles, timber, doors, ceilings, glasses, iron things). This was admitted by the Bulgarians.

Finally, from the first day of the occupation the big military depot of material was occupied by the Bulgarian army, which utilized all the material for works of entrenchment executed both at Cavalla and in the line of fortresses of the city. The Bulgarians also seized all the timber found in the warehouse of the city of Cavalla which was destined for the construction of shelter for the refugees. They did not spare anything belonging either to the Greek state, to the community of Cavalla or to private individuals, which could be of some use to them. Some of these persons were sufficiently fortunate to see their goods appraised before they were requisitioned, but this appraisal represented but one-twentieth of the real value.

In Drama, where from the beginning of the occupation, Mr. Bakopoulos, the governor, Mr. Fessas, the Greek mayor, and other Greek officials remained in their posts, the Bulgarians extortions, as reported to me from a good source during my short residence in that city (9-18th February), were exacted on a smaller scale. The properties of the Greeks and the things belonging to Greek officers of the garrison of Drama were relatively spared by Bulgarians and Turks, and the population suffered less from the scarcity of provisions, thanks to the measures which were taken in time by the Greek authorities. Yet at Drama and in other localities the Bulgarians freely speculated in provisions by importing from Bulgaria all kinds of goods of prime necessity which were resold at exorbitant prices in the market of the city. Besides, these prices hardly differed from those mentioned above, in the market of Cavalla.

## No. 76

*Mr. A. Naoum, Minister of Greece at Sofia, to Mr. E. Zalocostas,  
Minister for Foreign Affairs, Athens.*

SOFIA, March 27/April 9, 1917.

I have the honor to submit to you, herewith attached, a copy of a more recent document, dated March 23d, to the Prime Minister, concerning the critical situation created in Macedonia by reason of the scarcity of provisions and particularly of bread.

In Cavalla, in consequence of the difficulties of transporting provisions from Drama and the lack of every care on the part of the Bulgarian military authorities for the organization of more or less regular communication between Cavalla and Drama, the inhabitants have for months suffered from the insufficiency of provisions, and particularly of bread, which is sold from 10 to 15 drahmas the okka. In the beginning such hardships were noticeable only in Cavalla, where a good many deaths occurred from starvation. But recently, and particularly during the last month, the crisis has extended generally to all parts of Eastern Macedonia, a great many deaths occurring from starvation not only in Cavalla, but also in Drama and Serres. Undoubtedly the same situation prevails in the various villages where the situation is unknown because the villagers are forbidden for military reasons to go from the villages to the cities, which certainly aggravates the crisis in provisions which was felt only in the cities. During the last forty days, 1,800 persons died from starvation only in Cavalla, according to official and reliable information which I received from there, and thirty persons a day, on an average, die in Drama. Two months ago the Bulgarian Government sent to Eastern Macedonia a quantity of wheat for the needs of the native population, and although that was not sufficient, yet it sufficed to relieve some of the population.

The wheat which was furnished was not given gratuitously, but the administration of Drama each time paid the price to the Bulgarian Government. But, for the last two months nearly, the quantity furnished has been gradually decreasing, until it has been reduced to 60 grams of bread daily for each person. Other things of first necessity are either totally wanting or are sold at exorbitant prices, which even the richest inhabitants can not afford to pay. Therefore,

during these last two months the situation in Eastern Macedonia has become critical and, in fact, desperate on account of the great many deaths from starvation which have occurred, [particularly] amongst the Greeks because the Turkish army has furnished provisions to the Mussulmans and the Bulgarians to the Slavic-speaking villages. In Drama and in some other cities, thanks to the initiative of the Greek Prefect and the praiseworthy financial aid of the rich, soup kitchens were established for the relief of the poor, but unfortunately these kitchens can not be operated regularly because provisions can not be found.

Concerning this desperate condition created in Eastern Macedonia, I have repeatedly made, both in writing and verbally, strong representations to the Ministry for Foreign Affairs here and to the Prime Minister, to whom I have addressed a strong protest against the destruction carried on in Eastern Macedonia. I reminded him of the express promises given to Greece for the safeguarding of the lives and properties of the inhabitants and called his attention to the deplorable impression which the policy of the Bulgarian Government would create in Greece, and which could not but influence public opinion there and the existing friendly relations between the two countries. Not satisfied with these steps, I called also on Mr. Dobrovitz, the Director of the Political Office of H. M., to whom I explained in the most detailed manner the deplorable situation in Eastern Macedonia, and begged him to bring all these [facts] to the notice of the King, in the hope that H. M. would intervene energetically with the Bulgarian Government for the amelioration of the situation. I protested strongly to Mr. Dobrovitz against the indifference shown in this matter by the Bulgarian Government and emphasized the fact that if this continues, it could not but considerably influence the relations between the two states. Mr. Dobrovitz pretended a complete ignorance of the situation but promised to transmit to H. M. the King all that I said to him.

I took also similar steps with the official German circles here and asked our Royal Legation at Berlin to take this matter up with the German Government.

NAOUM.

## ANNEX

*Mr. A. Naoum, Minister of Greece at Sofia, to Dr. V. Radoslavof,  
President of the Ministerial Council, Minister for  
Foreign Affairs of Bulgaria.*

*SOFIA, March 23/April 5, 1917.*

Mr. President of the Council:

The Legation of His Hellenic Majesty has repeatedly by verbal and written representations called the serious attention of the Royal Government of Bulgaria to the critical situation in Hellenic Macedonia occupied by the Bulgaro-German troops, caused by the want of provisions and particularly of bread, and insisted on the absolute necessity and urgency of taking the necessary steps to remedy a really deplorable situation.

Unfortunately, up to the present time all my representations have brought no practical result, and, according to accurate information which I received, more than 1,800 persons have died in Cavalla from starvation within forty days; in Drama, about thirty persons die daily from the same cause, and the same deplorable occurrences are repeated in all the other centers of occupied Greek territory. Last month, hardly 60 grams of bread were daily distributed to each of the unfortunate inhabitants, who do not have any other food.

Reminding Your Excellency of the express obligations undertaken at the time of the entrance of Bulgaro-German troops into Hellenic Macedonia, I consider it my duty to inform you that, if this situation continues unabated and if no radical and urgent steps are soon taken, all the Hellenic population of the occupied places will be exterminated either from starvation or epidemic diseases.

In the presence of this desperate situation, I must raise my voice against these proceedings and neglects which daily cause the death of a great number of Hellenic citizens and will cause more in the future, and, placing the entire responsibility upon the Bulgarian Government, I insist with all my energy that, independently of all other considerations, and for reasons of humanity only, steps be taken and strictly carried out to put an end to a situation which, I am sure, Your Excellency is the first to deplore.

Please accept, Mr. President of the Council, the assurances of my high esteem.

NAOUM.

## No. 77

*Mr. A. Naoum, Minister of Greece at Sofia, to Mr. A. Zaimis, President of the Ministerial Council, Minister for Foreign Affairs, Athens.*

(Telegram)

SOFIA, June, 1/14, 1917.

The Bulgarian authorities in Eastern Macedonia recently notified the inhabitants who desire to go to the interior of Bulgaria to be established there, or to find work, that they should register in special registers. A large part of the population, suffering from want of food and dying from starvation, accepted the proposal and the transportation of them with their families to the interior of Bulgaria has begun, they being temporarily established at Tatar-Bazardjik, Kara-Bachli, Philippopoli, northern Bulgaria and in Dobroudja. These refugees who are arriving in large numbers are in a desperate condition on account of privations. It is said that in the registers of Drama alone 10,000 have been registered [words illegible], a step taken to render the population less dense in order to facilitate the revictualling of Macedonia and also to relieve the labor situation in cities and country in Bulgaria, where there is now a great dearth of laborers, but perhaps this measure is intended as a systematic removal from Macedonia of the Hellenic population, for political reasons, namely, [to effect] the extinction of the present Hellenic character of the country. It is not known whether Slavophones have emigrated, but about 5,000 Mohammedans have arrived in Bulgaria and some in Sofia. In consequence of the action of the Turkish consul at Philippopoli, they are to be sent to Turkey.

According to an official report, up to the 15th of April (o. s.) 6,000 persons had died from starvation in Cavalla, and in Drama and Serres the situation is the same. The condition of the population is literally lamentable. In addition to the deaths by the thousands from starvation, the economic situation of the inhabitants has become desperate on account of the exorbitant rise of the prices of the things of prime necessity. The mayor of Cavalla, in order to save the population, begs the Royal Government to send him an aid of money as a loan to the city, on the understanding that it will be returned on the reestablishment of the former situation.

I am proceeding to make the proper representations concerning the transportation of the population to the interior of Bulgaria, and am asking for explanations and protection by the local authorities to the families which are transported.

NAOUM.

## OFFICIAL DOCUMENTS

### CORRESPONDENCE RESPECTING THE TRANSIT TRAFFIC ACROSS HOLLAND OF MATERIALS SUSCEPTIBLE OF EMPLOYMENT AS MILITARY SUPPLIES<sup>1</sup>

No. 1

*Memorandum communicated by Netherlands Minister,  
October 9, 1917*

- (a) *Transit of metals from Belgium to Germany through the Netherlands.*
- (b) *Transit of gravel, etc., from Germany to Belgium through the Netherlands.*

The Netherlands Government are bound from one side by the Rhine Convention, which guarantees a free passage for all merchandise up and down the Rhine, and from the other side by the Fifth Hague Convention, which does not allow the transit of convoys either of munitions or provisions over their territory.

The Netherlands Government had to reconcile these two in some respect conflicting obligations.

*Ad (a)* In view of the above-mentioned difficulty they limited the obligatory free passage from Belgium through [*sic*] Germany to goods which had no connection with the military operations in Belgium. No requisitioned metals were, for that reason, allowed to pass through Netherlands territory. The metal, however, which is obtained in Belgium by melting ore imported for that purpose from Germany, could evidently not be considered as requisitioned metal, and the Netherlands Government deem themselves therefore bound to allow its transit. When the Netherlands Minister of Foreign Affairs wrote on the 10th June to Sir Walter Townley that the transit of all metals would in future be forbidden on account of the great difficulty to decide whether any metal was requisitioned or not, it did not occur to him

<sup>1</sup> British Parliamentary Paper, Miscellaneous No. 17 (1917). [Cd. 8693.]

that there might in fact exist any kind of metal of which the non-requisitioning would be so evident as in the case of the above-mentioned melted copper; as soon as this eventually came to his knowledge, however, he immediately informed the British Legation that this copper of course could not be prevented from passing through to Germany.

The Minister of Foreign Affairs begs to express his sincere hope that what in fact was nothing but a comprehensible omission on his part will not be considered by the British Government as pointing to a tendency not to observe given assurances.

Two cargoes of this copper metal have passed the Netherlands already, but it is to be expected that others may follow. The Netherlands Government feel confident that the British Government will admit the impossibility in which the Netherlands Government is placed by the Rhine Convention to forbid the free transit of these goods.

*Ad (b)* The Netherlands Government have given themselves all possible trouble to inform themselves as fully and accurately as possible as to the destination of the sand and gravel which is sent from Germany to Belgium, in order to be able to strictly limit these consignments to nonmilitary purposes. Two Netherlands officers of the Royal Military Engineer Corps were sent to Belgium to investigate the matter on the spot, and their report was communicated to the British Legation on the 23d October, 1916. The report was, in the eyes of the Netherlands Government, conclusive as to the fact that the quantity of gravel, etc., which had passed through the Netherlands from Germany to Belgium had in fact been used entirely for the construction of nonmilitary works, such as Article 43 of the Fourth Hague Convention obliges the belligerent to execute in an occupied territory. In order, however, to make themselves still more sure in this respect, the same two Netherlands officers were sent again to Belgium in the course of last summer. From their investigations on the spot the Netherlands Government drew the conclusion that, the roads being now all repaired, a further amelioration of them could serve military purposes only, and they therefore decided to allow the further transport through the Netherlands no farther than on a very restricted scale, limiting it to the quantity apparently necessary for the ordinary keeping up of the roads in the beginning of 1918. As these cargoes had to arrive on the place of their destination before the waters may be frozen, it was decided that a quantity of 370,000 tons would be allowed to pass through, in two equal portions, between the 15th September and the 15th November.

The Netherlands Government have the intimate conviction that by allowing the above transports within the limits indicated, they have acted in the fullest conformity with their duties as a neutral and their conventional obligations. They have, therefore, been most painfully surprised that in answer to their note of the 14th September, in which they explained to the British Minister at The Hague the justification of their attitude, Sir Walter Townley informed the Minister of Foreign Affairs on the 20th September that, unless an assurance would be given that the transit of gravel, etc., as well as of metals would cease, the British Government intended to discontinue any facilities for the transmission of Dutch cable messages. In government circles this menace has not failed to make a most painful impression. The Netherlands Government are convinced that in view of the Rhine Act they can not take a line of action different from the one pursued by them now. The terms of that convention oblige them to allow the transit of all merchandise of which they can not state with certitude that they are included in Article 2 of the Fifth Hague Convention. They, therefore, have great difficulty to believe that, for the sole reason that the attitude of the Netherlands Government — though in itself fully correct — is contrary to the interests of the British nation, the British Government would have recourse to a measure which not only lacks all connection with the transit of metals or gravel but which would assume the character of reprisals and against which the Netherlands are powerless. Such a measure could hardly be considered otherwise than as an abuse of power of a belligerent nation towards a neutral country which continually observes in the most scrupulous way its duty of neutrality towards all belligerents, without regard to the difficulties which it thereby creates for itself. The Netherlands Government have never hesitated to render with impartiality to all belligerents any service congruent with their neutrality, of which their offer to the British and German Governments to give hospitality to several thousands of their prisoners of war is the most recent example.

London, *October 9, 1917.*



## No. 2

*Mr. Balfour to M. van Swinderen*

*Foreign Office, October 23, 1917.*

SIR: With reference to the difference which has arisen between our two governments relative to the passage into Belgium through Holland of materials susceptible of use for the construction of concrete defenses on the German front in Flanders and for other warlike purposes, and to the passage across Holland in transit from Belgium to Germany of metals and other materials intended for employment in the German munition factories, I have the honor to send you herewith a memorandum in reply to the legal arguments contained in your communication to this Department of the 9th instant.

I have etc.

A. J. BALFOUR.

Inclosure in No. 2

*Memorandum containing the Reply of His Majesty's Government to Memorandum of the Netherlands Minister of October 9, 1917.*

In a memorandum<sup>1</sup> dated 9th October, the Netherlands Minister was good enough to formulate the arguments which he had used on behalf of his government to justify the transit across Netherlands territory of metals from Belgium to Germany, and of sand and gravel from Germany to Belgium.

2. The memorandum separates the transit of metals from the transit of the sand and gravel, and advances different contentions with regard to each. In the opinion of His Majesty's Government, there is no fundamental distinction between the two, and to attempt to differentiate between them merely confuses the issue by the introduction of minor and irrelevant considerations. In each case His Majesty's Government contend that the Netherlands Government are allowing the German Government to make use for military purposes of Dutch territory in a way contrary to the established principles of international law and of public right. The German Government have been and are being allowed to transport supplies required in connection with their military operations from their own territory to territory in German

<sup>1</sup> See No. 1.

occupation, and *vice versa*, across the territory of a state taking no part in the war. The intention and the result is materially to relieve the strain upon the railways and waterways of the belligerent country essential to its military operations. That is the broad proposition for which His Majesty's Government contend, and they are unable to find in the arguments contained in M. van Swinderen's memorandum any justification for the direct assistance to their enemies which is in this way being rendered by the Netherlands Government.

3. In respect of the transit of metals from Belgium to Germany, the memorandum maintains that when the Netherlands Minister for Foreign Affairs wrote to Sir W. Townley on the 10th June that the transit of all metals would in future be stopped, he forgot that there might be some metals which it was obvious had not been requisitioned and as to which there was consequently no reason for prohibiting the traffic. The memorandum states that the Netherlands Government, being bound on one side by the Rhine Convention and on the other by the Land War Neutrality Convention, were obliged to reconcile these two conflicting obligations, and had done so by prohibiting the transit of requisitioned goods.

4. His Majesty's Government regard this reasoning as unsound. The obligation incumbent upon a neutral state is not merely to prohibit the passage of requisitioned goods: it is founded upon the general principle that a neutral state must not allow any use of its territory to be made by a belligerent for military operations — the transit of belligerent convoys of munitions or provisions would be such a use, and therefore their transit is prohibited by the convention mentioned above. What is taking place in this case, even upon the facts as stated in the memorandum, amounts to a use of neutral territory for such transit purposes, and thereby constitutes a breach of the obligation incumbent upon a neutral state. If Germany finds it necessary, for her own purposes, to send commodities containing copper to Belgium to be smelted in order to extract the metal, and then to return the metal from Belgium to her own territory for use in her munition factories, the carriage of these supplies backwards and forwards, if permitted via neutral territory, affords relief to the direct military transport system between Belgium and Germany and constitutes the use by Germany of Netherlands territory for military purposes. For the Netherlands Government to permit this, is to fail in the observance of their duties as a neutral.

5. The distinction between Article 2 and Article 7 of the Land War Neutrality Convention is quite simple. The former article is aimed at the use of neutral territory by a belligerent government and comes into play whenever the belligerent state is itself concerned with both the dispatch and the receipt of the troops, stores, or supplies forwarded. Article 7 deals with the transport of goods which have been acquired by a belligerent state as the result of commercial transactions with private persons in foreign countries. Such transactions primarily do not concern the neutral government. Measures which it thinks it desirable to impose for the purpose of preventing such dealings by its nationals, or of preventing the export of such commodities from its territory, or their passage across it, are taken not in order to carry out the obligations of neutrality, but in the interest of the neutral nation itself.

6. The memorandum states that the transit of the metals is guaranteed by the Rhine Conventions. A search of the provisions of the treaties as to the Rhine navigation has been made by the appropriate department of His Majesty's Government, but no stipulation has been found which has any bearing on the question. These treaties deal with the right of passage for goods up and down the Rhine between the riverain states and the sea. No stipulation has been found which obliges the Netherlands Government to permit the passage of goods over the Dutch waterways which were not on their way to or from the sea. His Majesty's Government would therefore be grateful if the Netherlands Minister would indicate with greater precision to what provision in these treaties he refers. In any case, His Majesty's Government would not be prepared to admit that the detailed arrangements which have been entered into in order to carry out the principles as to freedom of commerce on rivers, laid down by the Congress of Vienna, could be interpreted to justify, still less to compel, violations of the obligations of neutrality.

7. With regard to the sand and gravel, M. van Swinderen's memorandum argues that the Netherlands Government are bound under the Rhine Conventions to permit the passage of all merchandise which can not be stated with certainty to fall within Article 2 of the Land War Neutrality Convention, and that they have done their best to limit the consignments which have been allowed to pass to those destined for nonmilitary purposes. From what has been stated above the Netherlands Government will realize that the view held by His

Majesty's Government is that no sand and gravel should be allowed to pass — not merely that the quantity should be limited to a certain amount. This sand and gravel is sent from Germany to Belgium by the German Government for its own purposes. It is immaterial whether those purposes are alleged to be civil or alleged to be military. Germany is in occupation of Belgium merely in pursuit of military objects, and there can be no purpose to which the sand and gravel so dispatched via the Dutch waterways can be put which does not constitute a use of those waterways for the forwarding by the enemy of supplies which are required in connection with the war. The suggestion that the sand, etc., is used for purposes within the purview of Article 43 of the Land War Regulations is beside the point. Those regulations apply only to a power in *military* occupation of territory, and supplies required in order to carry out the obligations of a military occupant are supplies required for military purposes. Even if these supplies, therefore, were sent to Belgium via Holland solely for the purpose of carrying out the obligation incumbent upon the occupant of Belgium under Article 43 of the Land War Regulations, and were limited in quantity to the amount required for that purpose, the fact would afford no answer in law to the Netherlands Government.

8. The theory that the transit of these goods through Holland is justified on the above grounds can not indeed be maintained even upon the facts alleged by the Netherlands Government. The sand and gravel which has been allowed to pass is far in excess of anything which is required for civilian purposes in Belgium. There is also the local output to be taken into account. Belgian quarries can themselves easily produce all that is required for nonmilitary purposes in the country; there can, therefore, be no need to supplement those supplies by importations from Germany. In this connection it may be observed that, since it is understood that the Belgian quarries are being worked by prisoners of war, the output is doubtless being used for civilian purposes. Were it not so, there would be a breach of Article 6 of the Land War Regulations, since it would be a case of employing the labor of prisoners of war on work connected with military operations. Ample supplies of sand and gravel for the civilian purposes of Belgium are secured from her own resources, and it follows that any more sent in from outside must be employed for military works. His Majesty's Government feel no doubt but that the Netherlands Government are allowing use to be made of Dutch territory by the Germans for the

purpose of forwarding to Belgium in enormous quantities supplies which have an intimate connection with the military defenses of the German forces on the Western front; and they certainly are not disposed to acquiesce in any arguments to the effect that the Netherlands Government are bound to allow this traffic either under the Rhine Conventions or under any principle of international law or public right. On the contrary, they maintain that the Netherlands Government are bound to put an end forthwith to this transit traffic of the sand and gravel equally with that of the metals.

*Foreign Office, October 23, 1917.*

No. 3

*Sir W. Townley to Mr. Balfour. — (Received October 26)*

(Telegraphic)

*The Hague, October 25, 1917.*

In a written communication the Netherlands Minister for Foreign Affairs informs me that no copper of any kind has passed through Holland from Belgium to Germany since his note of the 10th June, and that M. van Swinderen acted under a misapprehension in stating the contrary in the communication which he made to His Majesty's Government on the 9th October.<sup>1</sup> Yesterday, in the course of conversation, his Excellency said that the Netherlands Minister must have confused copper with the lead on the "Ristelhuebers" which has formed the subject of correspondence in the past.

No. 4

*M. van Swinderen to Mr. Balfour*

(Translation)

*Netherlands Legation, London,  
October 26, 1917.*

SIR: In paragraph 6 of the memorandum which your Excellency was good enough to send me in your note of the 23d instant<sup>2</sup> you request me to give you more precise information concerning the stipulations of the Rhine Convention which impose on the Netherlands Government the obligation to guarantee the free navigation of rivers and canals other than the Rhine itself.

<sup>1</sup> See No. 1.

<sup>2</sup> See No. 2.

To satisfy this request, I venture to draw your attention to Article 2 of the Rhine Convention (of the 17th October, 1868), which guarantees free navigation on the waters lying between the Rhine and Belgium. In addition, I have the honor to refer to paragraphs 1 and 5 of Article 9 of the Treaty of London of the 19th April, 1839, between Belgium and the Netherlands, and also to Article 7 of the special regulations respecting the navigation of the Scheldt contained in Annex 16 to the Act of the Congress of Vienna.

Please accept, etc.

R. DE MAREES VAN SWINDEREN.

No. 5

*Mr. Balfour to M. van Swinderen*

*Foreign Office, October 30, 1917.*

SIR: In continuation of the memorandum respecting the transit traffic across Holland inclosed in my note of the 23d instant,<sup>1</sup> I have the honor to send you herewith, for communication to your government, a further memorandum on the subject, the purpose of which, as you will observe, is to meet the request of the Netherlands Government for evidence that sand and gravel transited across Holland has, in fact, been used for warlike purposes on arrival in Belgium.

2. His Majesty's Government learn from His Majesty's Minister at The Hague that the Netherlands Government are anxious to publish at an early date the correspondence between our two governments respecting this question. His Majesty's Government welcome such intention, and trust that the papers to be published by the Netherlands Government will cover, without omission of any material document, the whole period of the controversy, dating back to November, 1915.

3. His Majesty's Government intend on their part to lay the complete correspondence before Parliament as soon as the necessary arrangements can be made. But as these arrangements will entail a certain delay, they propose, as a preliminary step, immediately to publish the more recent correspondence, including your memorandum of the 9th instant, and the further exchange of communications between us which has since taken place.

I have, etc.

A. J. BALFOUR.

<sup>1</sup> See No. 2.

## Inclosure 1 in No. 5

*Memorandum*

1. The memorandum inclosed in Mr. Balfour's note of the 23d instant<sup>1</sup> dealt with the legal contentions put forward by the Netherlands Government in connection with the controversy about the transit of sand and gravel through Holland. It did not, however, deal at any length with the contention advanced by the Netherlands Government in M. van Swinderen's memorandum of the 9th October,<sup>2</sup> to the effect the Netherlands Government did not deny that if the sand and gravel was intended to be used by the Germans for military purposes its transit should not be allowed, but that the Netherlands Government were not aware of any proof of such intended use, and asked to be furnished with it.

2. His Majesty's Government, as already explained, can not admit that the actual method of using the sand and gravel is under the circumstances decisive as to the legitimacy of permitting its transit; they, nevertheless, think it right to explain to the Netherlands Government the reasons which have induced them to come to the conclusion that beyond all reasonable doubt the sand and gravel transited across Holland is, in fact, used by the Germans for direct military objects, such as the construction of concrete defenses in their intrenched lines.

3. In support of this view they desire in the first place to call attention to the actual quantities transited, in relation to the estimated needs of Belgium for civilian purposes. The Netherlands Government are aware that this matter has been under discussion between the two governments for a considerable period. As early as November, 1915, His Majesty's Government addressed to the Netherlands Government remonstrances on the subject, and in consequence of these remonstrances on the 11th July, 1916, the Netherlands Minister for Foreign Affairs informed the British representative at The Hague that the Netherlands Government had provisionally decided to restrict the transit of gravel to the amount of 75,000 tons per month or 900,000 tons a year, on the ground, presumably, that that was all that could be required for Belgian pacific purposes. Shortly afterwards, however, in consequence of representations by a German expert, the Netherlands Government altered their decision, and agreed to permit a transit

<sup>1</sup> See No. 2.

<sup>2</sup> See No. 1.

of no less than 420,000 tons a month in the two months of August and September, 1916, being at the rate of 5,000,000 tons in the year, or six times what the Netherlands Government had themselves thought necessary. His Majesty's Government were seriously dissatisfied with this decision, and in consequence of further remonstrances on their part two Dutch officers were directed to proceed to Belgium to inquire what, in their opinion, was reasonably necessary for Belgian civilian needs. His Majesty's Government do not attach great importance to the report of these officers. It appears that they were not allowed to visit the so-called "Etappen-Gebiet," or military zone, so that they could form no opinion, and, as is understood, did not attempt to form any opinion whether sand and gravel transited across Dutch waterways was in fact used for works of fortification.

4. It appears from their report that large quantities of sand and gravel were required for the remaking and maintenance of roadways, the double-ballasting and maintenance in repair of railways, and the strengthening and upkeep of river and canal embankments and maritime and riverside quays. But all these works serve the communications of an army. Is it reasonable then to suppose that they are reconstructed and kept in repair by the Germans, not because of the military purposes which they serve, but because the Belgian population, following their normal peace-time occupations, require to make use of them? Is there the slightest evidence that the Germans have ever considered the interests of the Belgian civilian population? Is it not notorious that deliberately and as part of their settled policy they have destroyed the industrial and economic resources of Belgium because the Belgians would not consent to use those resources for German benefit? Is it not then clear that if road surfaces in Belgium have been transformed from one type to another, and important railway embankments strengthened doubly beyond what was found necessary in peace time, all this has been done in order to improve the lines of communication of the German army and that roads, railways, etc., in Belgium are kept in repair simply in order that they may carry the military traffic which requires to pass over them.

5. The Netherlands Government state that they sent their officers a second time to Belgium this summer, and from their investigation arrived at the conclusion that all roads had been repaired, and they have informed the British Government that a quantity of 1,650,000 tons annually was all that should be transited to satisfy the civilian needs



of Belgium. A French expert, M. Tur, making calculations on the basis of the civilian works existing in Belgium before the war, and assuming a peace-time rate of wear and tear, estimated that 1,345,000 tons represented the nonmilitary requirements of Belgium. It is right to observe that these estimates are in all probability greatly excessive for the actual civilian use of roads and other nonmilitary works, which might reasonably be supposed to require sand and gravel for their upkeep, since civilian life in Belgium is practically at a standstill, and there is, in consequence, no civilian use of the roads or anything else. Nevertheless, for the purpose of the contention now being put forward, His Majesty's Government are content to assume, contrary to their own opinion, that the figures adopted by the Netherlands Government, namely 1,650,000 tons, are correct. It is admitted that far more than that, namely some 2,300,000 tons of sand and gravel have already been transited across Holland during this year, and it seems, therefore, abundantly clear that a considerable proportion of the sand and gravel so transited — amounting to some 600,000 or 700,000 tons — has been used for noncivilian purposes.

6. Nor does the case stop there. There are quarries in Belgium which in peace time produce upwards of 5,000,000 tons of these materials. It is understood that these quarries are now being worked for the Germans by Russian prisoners of war. Possibly their output is considerably less than it would be in peace time, though according to the information in the possession of His Majesty's Government they are being vigorously and efficiently worked. Even allowing for a very largely diminished output it is perfectly plain that sand and gravel more than sufficient to cover the assumed civilian needs of Belgium can be and, in all human probability, is being obtained from these quarries. It is suggested that the output of these quarries is being used for military purposes, but His Majesty's Government are surprised at such a suggestion, and can not accept it. The quarries are being worked by prisoners of war, and by Article 6 of the Hague Land War Regulations it is illegal to use prisoners of war for military work. His Majesty's Government can not believe that the Netherlands Government would contend without proof that the output of the quarries was in fact being used for military purposes, or that they would suggest that if it was being so used they were justified in supplying sand and gravel for the civilian purposes of Belgium, so as to enable the Germans to commit this breach of international law. Moreover,

the British Government have caused an analysis to be made of concrete actually used in German military works on the Flanders front recently captured by the British, and they find that it is composed of material which comes unquestionably from German quarries and not from Belgium. This strongly supports the presumption that the output of the Belgian quarries is being used for what are called Belgian civilian purposes, and that, since that output is more than sufficient for the purposes in question, any sand and gravel transited across Holland from Germany into Belgium must be used for other than civilian, that is for military, purposes.

7. In support of this view the Netherlands Government are reminded that it is clear from the history of the controversy that they themselves have felt great doubts as to the use of the sand and gravel transited across Holland. When the matter was first raised in 1915-16 they thought it right to ask the German Government to be furnished with certificates as to the employment of the sand and gravel, and the German Government readily furnished them with "scraps of paper" certifying that the sand and gravel was required for civilian purposes only. The Netherlands Government came to realize that it would not be right to attach very great importance to these certificates, and it was in spite of them that they decided in the summer of 1916 to restrict the transit of sand and gravel to 75,000 tons a month, as already mentioned. It is true that the Netherlands Government subsequently altered their minds on the point, and after much hesitation and obvious misgivings decided to continue to accept these certificates. Even so they were not satisfied, because early in July of the present year they announced to the German Government that they had arrived at the conclusion that sufficient sand and gravel had been transited for the whole of Belgian pacific needs, and that they were resolved no more should go after the 15th August. This decision was communicated to the British Government in July, and it was therefore with no little amazement they heard a little later that the Netherlands Government had decided to allow transit of an additional 300,000 or 400,000 tons of sand and gravel up to the 15th November, upon the ground that some such quantity would be legitimately sent in the early months of next year, and that at that time there might be a frost which would prevent the use of Dutch waterways. It seems only necessary to point out that if there was a frost in the early months of next year, it would be clearly impossible to utilize the sand and gravel for concrete or road

work, or indeed for any other purposes, and that, even if by some accident of the weather such use became possible, there could be no real objection to deferring for a month or two the works which would otherwise have been done in those months.

8. His Majesty's Government can not resist the conclusion that the reason the German Government demanded the transit of the 300,000 or 400,000 tons before November was because they wanted it for immediate use for military purposes, and much to their regret they find it difficult to believe that the Dutch Government was not perfectly well aware that such was the purpose of the German Government.

9. Finally, the attention of the Netherlands Government is called to the annexed copy<sup>1</sup> of a sworn affidavit from a Belgian who recently escaped, which states in precise and definite terms that some, at any rate, of the sand and gravel transited across Holland is taken up across the Belgian waterways to convenient places, from which it is used for the construction of military fortifications by the Germans.

10. His Majesty's Government have no wish to embitter the controversy which has arisen between them and the Netherlands Government on this subject. On the contrary, they are exceedingly anxious, as they always have been, to live on the most friendly terms with their Dutch neighbors, and to return as soon as possible to normal relations with them in all respects. They venture therefore very earnestly to press upon the Netherlands Government that the proofs which they have hereinbefore enumerated of the military use of the sand and gravel transited across Holland are in the aggregate overwhelming. It is perfectly true that the sand and gravel was not openly consigned to the military zone in Belgium, or declared to be intended to be used for military purposes by the Germans. It is true that it can not be shown what was done with any particular barge-load of sand or gravel, nor can the actual military work constructed with it be pointed out — that is obviously impossible. But, short of that, the proof required by the Netherlands Government could scarcely be clearer or more cogent.

11. In the first place, there is the fact that since the German occupation there has been little or no pacific use of Belgian roads, railways, and quays. Then there are the quantities of sand and gravel transited into Belgium, vastly in excess of any possible civilian requirements. Then there is the proof that such civilian requirements, if they exist, could be and almost certainly have been supplied from sources in

<sup>1</sup> See Inclosure 2 in No. 5.

Belgium itself. Next there is the certain knowledge that the German demands for these supplies for direct military objects, such as fortifications, is enormous, and there is the evidence that the concrete used for such fortifications is derived from material which comes from Germany — comes, that is, from the source from which the transited gravel comes, and not from the Belgian quarries. And, finally, there is the direct sworn evidence that certain loads of sand and gravel which had been transited were in fact used for military objects.

12. It is difficult to imagine what more any inquirer, really anxious to get at the truth, could ask to be convinced that the sand and gravel transited through Holland is being used for the purpose of directly assisting the military operations of one of the belligerents.

*Foreign Office, October 30, 1917.*

Inclosure 2 in No. 5

*In the Matter of "The Statutory Declarations Act, 1835," and in the Matter of the Transit of Sand and Gravel across Holland*

I, ..... of .....  
....., do hereby solemnly and sincerely  
declare as follows:—

1. I am a Belgian subject, and escaped from .....  
on the ..... 1917.

I am well acquainted with the conditions prevailing in Belgium, and especially Antwerp, up to the time of my departure. Being out of employment, I had exceptionally good opportunities of seeing what was taking place in connection with the traffic of gravel and sand, and I am able, therefore, to state the facts which I mention as the result of my own observation and knowledge.

2. No sand or gravel is obtainable in Belgium which is suitable for making concrete.

3. In sheds Nos. 2, 3, 4, and 5 at South Antwerp the Germans are working night and day making concrete blocks about 1 meter long and 60 centim. high and broad, having slots and protuberances that fit one into the other. Similar work is being carried out at Burcht and at one of the Hoboken factories.

4. There were at the time of my departure from Antwerp about 3,000,000 tons of gravel and sand stacked at Antwerp at the Kattendijk and New Docks.

5. Lighters of about 1,200 tons are constantly employed in bringing sand, gravel, stone, timber, and cement from Germany through Holland to Antwerp and Ghent. These cargoes are discharged on to the quays and then reloaded into small lighters, the crews of which are Belgian and French, and they and the owners of the vessels are forced to work by the Germans under pain of punishment. When these lighters arrive in the military zone the crews are put ashore and housed in armed cement dugouts. These lighters are of about 250-270 tons burden, and about 1,500 are in constant use. In addition to the lighters, 250 tugs of about 25 tons each are constantly engaged in the traffic.

6. Large amounts of dressed timber cut into measured lengths go through in lighters, which are loaded also with sand and pontoons.

And I make this solemn declaration conscientiously believing the same to be true and by virtue of "The Statutory Declarations Act, 1835."

(Signed) .....

Declared at the Admiralty, in the County of London, this 30th day of October, 1917, before me:

ARTHUR F. B. WELCH,  
*Commissioner for Oaths.*

No. 6

*Mr. Balfour to M. van Swinderen*

*Foreign Office, November 6, 1917.*

SIR: Your note of the 26th October<sup>1</sup> referred me to the particular provisions in the Rhine Conventions which, in the opinion of the Netherlands Government, oblige them to permit the passage through the Dutch waterways of the sand and gravel which is forwarded by the German authorities to Belgium. These provisions are Article 2 of the Rhine Convention of the 17th October, 1868; paragraphs 1 and 5 of Article 9 of the Treaty of London of the 19th April, 1839, between Belgium and the Netherlands; and Article 7 of the Regulations relating to the Navigation of the Scheldt annexed to the Proceedings of the Congress of Vienna.

2. Since the receipt of your note the stipulations in question have been subjected to careful examination in this department, but the

<sup>1</sup> See No. 4.

result has not been in any way to modify the views expressed in my memorandum of the 23d October.<sup>1</sup>

3. The Rhine Convention of the 7th October, 1868, was a treaty between France, Baden, Bavaria, Hesse, the Netherlands, and Prussia, entered into for the purpose of revising the earlier treaty of the 31st March, 1831, between the same parties (including Nassau). Such revision was necessary because the earlier treaty had undergone numerous modifications, and had ceased in part to harmonize with the existing conditions of the Rhine navigation. Both the treaties were intended to assure to the riverain states of the Rhine that freedom of navigation of rivers passing through several states on which the Congress of Vienna had determined, and to protect them against the levying of taxation or the imposition of restrictions by particular states through whose territory the commerce of the others must pass. The more immediate objects which each treaty was destined to achieve are indicated by their preambles and by the general nature of their contents.

4. Article 2 of the Convention of 1868 does, it is true, make mention of boats and rafts passing from the Rhine to Belgium, but if the article is read as a whole its purpose is clear. There were various channels which might be used for the purpose of passing from the Rhine to Belgium, and these channels were in Holland; boats of other riverain states coming from the Rhine were to be allowed to choose whichever they pleased, so that if one channel should become impracticable for navigation, any other channel which was open to Dutch boats should also be open to them; in short, the purpose of the article was to prevent the Netherlands Government discriminating in favor of Dutch boats. The provision does not extend the general scope of this convention or carry it beyond the general object of the decisions come to at the Congress of Vienna. The stipulation relates only to commerce in its ordinary sense — the passage of goods which are the subject of mercantile transactions. It can have no bearing on the measures which a state may be bound to take, or may be justified in taking, in defense of its neutrality.

5. Paragraphs 1 and 5 of Article 9 of the Treaty of London of 1839 are the next provisions to which you refer. It is not usual to regard the treaty of the 19th April, 1839, between Holland and Belgium as included among the Rhine Conventions. The object of the treaty was to secure the recognition by Holland of the independence and per-

<sup>1</sup> See Inclosure in No. 2.

manent neutrality of Belgium: as part of the arrangement, the freedom of navigation stipulated for by the Congress of Vienna was to apply to the waterways separating the two countries or traversing them both (section 1), and the *commerce* of the two countries was to benefit by the channels between the Scheldt and the Rhine being free and subject only to moderate tolls (section 5).

6. Article 7 of the Regulations of 1815 relating to the navigation of the Scheldt does not appear to affect the question. It merely stipulates that any further arrangements which it may be necessary to make as to the navigation of the Scheldt shall be as favorable as possible to commerce and navigation, and shall be analogous to the regulations established on the Rhine. If the treaty provisions which are at present in force relating to the freedom of the navigation of the Scheldt are regarded by the Netherlands Government as preventing in any way the enforcement of their obligations as a neutral state, His Majesty's Government do not understand on what ground the Netherlands Government claimed to prevent the departure from Antwerp of the German ships which had been captured at that place by the Belgian forces.

7. The detailed examination which I have made above will suffice to demonstrate that His Majesty's Government can not admit that the provisions of the Rhine Convention of 1868, or that the other treaty stipulations to which reference has been made, can afford any justification to the Netherlands Government for failing to enforce their obligations as a neutral state and to put a stop to the use of the Dutch waterways by the German Government for forwarding their supplies of commodities such as sand and gravel for Belgium.

I have, etc.

A. J. BALFOUR.

## ANNEXES

## No. 1

VIENNA CONGRESS TREATY, MARCH, 1815

## Annex XVI

*Regulations for the Free Navigation of Rivers  
Articles concerning the Navigation of the Necker, the Mayne, the  
Moselle, the Meuse, and the Scheldt*

## ARTICLE VII

*Future Regulation of the Navigation of the Scheldt*

Everything relating to the navigation of the Scheldt, which may need ulterior arrangement, besides the freedom of navigation on this river, specified in Article I, shall be definitely regulated in a manner the most favorable to commerce and navigation, and the most analogous to the regulations established on the Rhine.

## No. 2

CONVENTION BETWEEN THE RIVERAIN STATES OF THE RHINE;  
AND REGULATIONS FOR THE NAVIGATION OF THAT RIVER.  
SIGNED AT MAYENCE, MARCH 31, 1831

*Preamble*

The completion of the definitive regulation for the navigation of the Rhine, in accordance with the stipulations of the Act of the Congress of Vienna, having experienced difficulties arising out of the manner in which the riverain governments interpreted the general principles of that Act to the vessels coming from Germany and crossing the Netherlands in a direct line to the open sea and *vice versa*; considering that His Majesty the King of the Netherlands has maintained that his rights of sovereignty extended without any restriction whatever over the sea bathing his states, even where it mixes with the waters of the Rhine, and that, in accordance with the conferences previous to the



Act of the Congress of Vienna, the Leck only was to be considered as the continuation of that river in the Netherlands; whilst His Majesty the King of Prussia, His Majesty the King of Bavaria, and His Royal Highness the Grand Duke of Hesse have maintained that the Act of the Congress of Vienna had placed certain restrictions on the exercise of those rights in so far as they might apply to vessels passing from the Rhine into the sea, and *vice versa*; and that under the denomination of the Rhine the said Act included the whole course, also the branches, and all the mouths of that river in the Netherlands, without any distinction — views in which His Majesty the King of the French and His Royal Highness the Grand Duke of Baden now equally concur; the riverain states have thought proper to leave intact all questions mooted on the general principles of the Act of the Congress of Vienna bearing upon the navigation of the Rhine, as well as the inferences which might be drawn therefrom, and to concert measures and regulations which the navigation of the Rhine can no longer dispense with, on the basis of joint proposals reciprocally made and accepted, under the express reservation, nevertheless, that such understanding shall in no wise be prejudicial to the rights and principles maintained on either side.

### No. 3

ACT OF ACCESSION ON THE PART OF THE GERMANIC CONFEDERATION  
TO THE TERRITORIAL ARRANGEMENTS CONCERNING THE GRAND  
DUCHY OF LUXEMBURG, LAID DOWN IN THE TREATY OF APRIL  
19, 1839. LONDON, APRIL 19, 1839.

### ARTICLE IX

§ 1. The provisions of Articles CVIII to CXVII, inclusive, of the General Act of the Congress of Vienna, relative to the free navigation of navigable rivers, shall be applied to those navigable rivers which separate the Belgian and the Dutch territories, or which traverse them both.

§ 5. It is also agreed that the navigation of the intermediate channels between the Scheldt and the Rhine, in order to proceed from Antwerp to the Rhine, and *vice versa*, shall continue reciprocally free, and that it shall be subject only to moderate tolls, which shall be the same for the commerce of the two countries.

## No. 4

CONVENTION BETWEEN FRANCE, GRAND DUCHY OF BADEN, BAVARIA,  
GRAND DUCHY OF HESSE, NETHERLANDS, AND PRUSSIA, RELATIVE  
TO THE NAVIGATION OF THE RHINE. SIGNED AT MANN-  
HEIM, OCTOBER 17, 1868.

*Preamble*

The convention relative to the navigation of the Rhine concluded on the 31st March, 1831, between the riverain governments, having since then undergone numerous modifications, and a part of the stipulations contained therein being no longer in harmony with the actual conditions of the navigation, His Majesty the Emperor of the French, His Royal Highness the Grand Duke of Baden, His Majesty the King of Bavaria, His Royal Highness the Grand Duke of Hesse, His Majesty the King of the Netherlands, and His Majesty the King of Prussia have resolved, by common consent, to revise that convention, maintaining, nevertheless, the principle of the free navigation of the Rhine in matters of commerce, and have, to that effect, appointed commissioners plenipotentiary, namely: —

## ARTICLE II

Vessels affected to the navigation of the Rhine, and rafts or floats of timber coming from the Rhine, shall have the right to choose whichever route they wish in traversing the Netherlands on their way from the Rhine to the open sea or to Belgium, and *vice versa*. If one of the navigable channels connecting the open sea and the Rhine via Dordrecht, Rotterdam, Hellevoetsluis, and Brielle becomes impracticable for navigation from natural causes or by reason of mechanical works, the navigable channel which is appointed for the use of Netherlands vessels in place of the obstructed channel shall be equally open for navigation by the other riverain states. Any vessel having the right to carry the flag of one of the riverain states and able to prove that right by a document issued by the competent authority shall be considered as affected to the navigation of the Rhine.

CORRESPONDENCE WITH THE NETHERLANDS GOVERNMENT RESPECTING DEFENSIVELY ARMED BRITISH MERCHANT VESSELS<sup>1</sup>

No. 1

*Sir Edward Grey to Mr. Chilton*

(Telegraphic.)

*Foreign Office, August 8, 1914.*

You should lose no time in explaining to Netherlands Government that British armed merchant vessels are armed solely for purposes of defense, in case they raise any question as to their position. Existing rules of international law grant the right of defense to all merchant vessels when attacked. There can be no right on the part of a neutral government to order the internment of British-owned merchant vessels, nor to require them before putting to sea to land their guns, because the duty of such neutral government to order the immediate departure or internment of belligerent vessels is limited to actual and potential warships, and as Great Britain does not admit that any Power has the right to convert merchant vessels into warships on the high seas, British merchant vessels that are in foreign ports can not be so converted.

As German rules permit German merchant vessels to be converted on the high seas, we maintain our claim to have them interned unless the neutral government are prepared to assume responsibility for a binding assurance that no such conversion shall take place.

No. 2

*Mr. Chilton to Sir Edward Grey. — (Received August 10)*

(Telegraphic.)

*The Hague, August 9, 1914.*

I communicated contents of your telegram of 8th August to Minister for Foreign Affairs this morning. His Excellency tells me, after consultation with Minister of Marine, that Netherlands Government agree to your demand as to treatment of British and German merchant

<sup>1</sup> British Parliamentary Paper, Miscellaneous No. 14 (1917). [Cd. 8690.]

vessels, but adds that Netherlands officials must examine British vessels for form's sake.

His Excellency is sending me written statement<sup>1</sup> tomorrow, which I will telegraph if necessary; if not, will forward tomorrow night by post.

No. 3

*Mr. Chilton to Sir Edward Grey*

(Telegraphic. Extract.)

*The Hague, August 10, 1914.*

Naval attaché had a conversation today with Dutch Minister of Marine on the subject of armed merchantmen.

Latter said that Netherlands Government had already issued precise instructions not to admit to Dutch territorial waters any merchantmen that were capable of performing any warlike act, and that they were therefore placed in a very difficult position by the request of the British Government asking neutrals to differentiate between auxiliary cruisers and merchant vessels defensively armed. He himself fully realized the difference, but feared the people might not, and that if any modification was now made in these instructions the government might be accused by the Dutch navy and therefore by the nation, which up to now had been somewhat afraid of a violation of their territory by England, of departing from its attitude of strict neutrality. This would have the effect of throwing Dutch nation into arms of Germany.

No. 4

*Sir Edward Grey to Sir A. Johnstone*

*Foreign Office, March 7, 1915.*

SIR: In view of the menace from German submarines, it is possible that an increase may take place in the number of defensively armed British merchant ships, and that among them may be some which normally trade with Netherlands ports.

I should be glad to learn as soon as possible whether the Netherlands Government still hold the strong objections to the entry of such vessels into their ports which they held at the beginning of the war.

I am, etc.

E. GREY.

<sup>1</sup> This statement was never received.

## No. 5

*Sir A. Johnstone to Sir Edward Grey. — (Received April 12)*

*The Hague, April 8, 1915.*

SIR: On receipt of your dispatch of the 7th ultimo respecting the possible increase of defensively armed British merchant vessels, some of which normally trade with the Netherlands, I addressed a note to M. Loudon expressing the hope that such vessels would be permitted to enter Dutch ports.

I have now the honor to inclose copy of his Excellency's reply, from which you will perceive that the Netherlands Government will not allow such vessels access to its ports.

I have had a conversation with M. Loudon on this subject, and although his Excellency appeared to regret the necessity, he was quite firm in maintaining that, according to his government's interpretation of international law, the admission of armed merchantmen, even if armed for defense only, was impossible.

I pointed out to his Excellency that the submarine warfare as waged by the Germans was contrary to all dictates of law and humanity, but I could not move him from his position.

I have, etc.

ALAN JOHNSTONE.

Inclosure in No. 5

*Netherlands Minister for Foreign Affairs to Sir A. Johnstone*  
(Translation)

*The Hague, April 7, 1915.*

SIR: In your note of the 13th March last your Excellency was good enough to inform me that it might become necessary to provide certain British merchant vessels which sail regularly between the Netherlands and Great Britain with an armament that would only be used by them for defensive purposes. At the same time you expressed the hope that the Queen's Government would see no objection to admitting vessels thus armed into Dutch ports.

I have the honor, in reply, to inform your Excellency that the Dutch proclamation of neutrality prohibits,<sup>1</sup> as a general rule, belligerent

<sup>1</sup> See Appendix, p. 232. Text of declaration printed in Supplement to this JOURNAL, Vol. 9 (1915), p. 81.

warships as well as vessels assimilated to warships from entering Dutch ports, roadsteads, and territorial waters. As far as Dutch territory in Europe is concerned, this rule admits of no exception, except in the case of damage or by reason of stress of weather.

The Queen's Government are of the opinion that the observation of a strict neutrality obliges them to place in the category of vessels assimilated to belligerent warships those merchant vessels of the belligerent parties that are provided with an armament and that consequently would be capable of committing acts of war.

I have therefore the honor to inform your Excellency that the Queen's Government do not consider themselves entitled to admit into their ports the armed merchant vessels alluded to in your Excellency's above-mentioned communication.

While expressing my regrets at not being able to accede to the request which your Excellency was good enough to transmit, I am, etc.

J. LOUDON.

No. 6

*Sir Edward Grey to Sir A. Johnstone*

*Foreign Office, June 9, 1915.*

SIR: With reference to your dispatch of the 8th April last, I transmit to you herewith duplicate copies of a memorandum and a pamphlet<sup>1</sup> by Dr. A. Pearce Higgins on the practice of arming merchant ships in self-defense.

You should communicate to the Netherlands Government a copy of this pamphlet and a type-written copy of the memorandum, and should inform them that the government of every neutral state except the Netherlands, with which the question has been raised, including Spain, the United States, and the principal South American Republics, have recognized the legality of arming merchant ships in self-defense, and are admitting ships so armed into their ports on the same footing as ordinary merchant vessels. You should point to the support widely given to this traditional practice by international jurists before the war and urge that in view of the German claim to sink all British ships regardless of the lives of the crew and passengers it is more than ever necessary to insist on all rights of self-defense, including the elementary right of a human being to disable his intending murderer.

<sup>1</sup> Pamphlet not printed.

You should, in conclusion, impress upon the Netherlands Government that if they persist in the view which they have hitherto adopted, there is likely to be an appreciable diminution in the regular traffic of British ships with Netherlands ports.

I am, etc.

E. GREY.

Inclosure in No. 6

*Memorandum on Defensively Armed Merchant Ships by Dr. Pearce Higgins, Professor of International Law at Cambridge and Lecturer at the Royal Naval War College.*

As there appears to be some doubt as to the legal status of merchant ships which are armed in self-defense, the following statement may be of interest and assistance to shipowners and shipmasters:

The practice of arming ships in self-defense is a very old one. There are Royal Proclamations from the time of Charles I ordering merchant ships to be armed, and to do their utmost to defend themselves against enemy attacks. During the Napoleonic wars the prize courts of Great Britain and the United States recognized that a belligerent merchant ship had a perfect right to arm in her own defense (*The Catherine Elizabeth* (British) and *The Nereide* (United States)). The right of a belligerent merchant ship to carry arms and to resist capture is definitely and clearly laid down in both of the cases just cited.

Chief Justice Marshall of the United States, in the case of *The Nereide*, said: "It is true that on her passage she had a right to defend herself, and defended herself, and might have captured an assailing vessel."

In modern times the right of resistance of merchant vessels is also recognized by the United States Naval War Code, which was published in 1900, by the Italian Code for the Mercantile Marine, 1877, and by the Russian Prize Regulations, 1895.

Writers of weight and authority in Great Britain, the United States, Italy, France, Belgium, and Holland also recognize this right. The late Dr. F. Perels, who was at one time legal adviser to the German Admiralty, quotes with approval Article 10 of the United States Naval War Code, which states: "The personnel of merchant vessels of an enemy, who in self-defense and in protection of the vessel placed in their charge resist an attack, are entitled to the status of prisoners of war."

The most recent authoritative pronouncement on this subject comes from the Institute of International Law, a body composed of international lawyers of all nationalities. This learned society, which meets generally once a year in different countries to discuss and make proposals on points of international law, at its meeting in 1913 at Oxford prepared a Manual of the Laws of Naval Warfare which was adopted with unanimity. Article 12 of this Manual, which is in French, may be translated as follows:

Privateering is forbidden. Except under the conditions specified in Article 5 and the following articles, public and private ships and their crews may not take part in hostilities against the enemy.

*Both are, however, allowed to employ force to defend themselves against the attack of an enemy ship.*

The crews of enemy merchant ships have for centuries been liable to be treated as prisoners of war whether they resisted capture or not.

Crews who forcibly resist visit and capture, can not, if they are unsuccessful, claim to be released; they remain prisoners of war.

Defensively armed merchant ships must not assume the offensive against enemy merchant ships. They are armed for defense, not for attack, but if they are attacked and they are able successfully to repel the attack and even to capture their assailant, such capture is valid; the captured ship is good prize as between the belligerents.

There is some authority, as in the Italian Code and Russian Prize Regulations, for saying that an armed merchant ship has a right to go to the assistance of other national or allied vessels attacked, and assist them in making a capture. But this is by no means such a well-established rule as the rule of self-defense. It will in nearly all cases be much more important for a defensively armed ship to get safely away with her cargo than to go to the assistance of another merchant ship, for in this case the safety of both may be placed in jeopardy.

The position of the passengers on a defensively armed ship, if no resistance is made, is the same as if they were on an unarmed merchant ship. If, however, the armed ship resists, they will, naturally, have to take their chance of injury or death. Unless they take part in the resistance, they are not liable, if the ship is captured, to be taken prisoners, merely because of the fact of resistance having been offered by the ship.



## No. 7

*Sir A. Johnstone to Sir Edward Grey. — (Received August 2)*

*The Hague, July 31, 1915.*

SIR: With reference to your dispatch of the 9th ultimo, I have the honor to transmit herewith copy of a note from M. Loudon giving the views of the Netherlands Government on the question of the admission of armed merchant vessels into Netherlands ports.

You will observe that M. Loudon maintains the attitude which has hitherto been adopted by the Netherlands Government to this question and states that it would be contrary to the policy of strict neutrality observed by the Netherlands Government to modify their attitude in this respect.

I have, etc.

ALAN JOHNSTONE.

Inclosure in No. 7

*Netherlands Minister for Foreign Affairs to Sir A. Johnstone  
(Translation)*

*The Hague, July 31, 1915.*

SIR: In my letter of the 7th April last I had the honor to inform your Excellency that the Queen's Government do not consider themselves entitled to admit into their ports, roadsteads, and territorial waters, except in case of damage or stress of weather, the armed merchant vessels referred to by your Excellency in your official note of the 13th March last. I pointed out that the observance of a strict neutrality obliges the Netherlands Government to place in the category of vessels assimilated to belligerent warships alluded to in the proclamation of neutrality those merchant vessels of belligerent nationality which are provided with an armament, and which consequently would be capable of committing acts of war.

In his note of the 12th June last Mr. Chilton returned to this subject. He specially called my attention to the rule of international law which permits belligerent merchant vessels to defend themselves against enemy warships, and he was good enough to add to his note a memorandum and a pamphlet in support of his observations.

I have read these documents with much interest. However, there seems to me to be no connection between the above-mentioned rule

and the question whether the admission into neutral ports of a certain category of vessels of belligerent nationality is or is not compatible with the observance of a strict neutrality. This latter question lies within the province of the law of neutrality. On the other hand, the rule invoked by Mr. Chilton is part of the law of war.

A belligerent merchant vessel which fights to escape capture or destruction by an enemy warship commits an act the legitimacy of which is indeed unquestionable, but which is none the less an act of war.

The Queen's Government are of the opinion that it would be contrary to the strict neutrality which they have determined to observe from the beginning of the war not to assimilate to a belligerent warship, within the terms of the proclamation of neutrality of the 4th August, 1914, any belligerent merchant vessel armed with the object of committing, in case of need, an act of war.

Accept, etc.

J. LOUDON.

No. 8

*Sir E. Grey to Sir A. Johnstone*

*Foreign Office, September 1, 1915.*

SIR: I have received your dispatch of the 31st July informing me of the negative reply made by the Netherlands Government to the arguments put forward by His Majesty's Government in favor of the right of British merchant ships carrying armament for defensive purposes to enter Netherlands ports.

I request that you will inform the Netherlands Government that His Majesty's Government have learnt of their decision with the keenest regret. You should add that, apart from the intrinsic fact of this decision, His Majesty's Government can not refrain from expressing the strongest dissent from the view on which it is apparently based, namely, that it is part of the duties of a neutral state to treat merchant ships armed for self-defense on the same footing as warships.

In making the above communication you should say that, while adhering in every way to the views which they have already expressed on the subject, His Majesty's Government do not wish to continue the discussion of it with the Netherlands Government at the present time.

I am, etc.

E. GREY.

## No. 9

*Sir W. Townley to Mr. Balfour*

(Telegraphic.)

*The Hague, March 6, 1917.*

I learn that the British steamship *Princess Melita*, with a gun mounted aft, arrived yesterday, contrary to regulations of Netherlands Government, at the Hook of Holland, and was ordered out again and left. She however returned later with a request for water, after having dismounted her gun.

As captain of *Princess Melita* feared German submarines, he refused to leave port again without convoy. He states that two enemy submarines attacked the vessel yesterday.

Dutch Minister for Foreign Affairs with whom I have taken the matter up, says, that if gun is put off, *Princess Melita* may enter port and proceed in due course to sea again.

## No. 10

*Sir W. Townley to Mr. Balfour*

(Telegraphic.)

*The Hague, March 7, 1917.*

Dutch authorities ordered captain of *Princess Melita* to proceed outside territorial waters, where he dropped his gun overboard. He then returned to port and went on to Rotterdam. Vessel will load cargo there, and eventually proceed with convoy to sea.

## No. 11

*Mr. Balfour to Sir W. Townley*

(Telegraphic.)

*Foreign Office, March 10, 1917.*

Your telegram of 7th March: Exclusion of defensively armed merchant ships from Dutch ports.

The Dutch admit that it is perfectly permissible by international law for merchant ships to carry guns for defensive purposes (see Orange Book, French version, p. 163), but by a rule of their own making adopted since the war began they exclude such ships from their harbors. Since the rule was adopted, circumstances have changed. On the one hand, the Germans have proclaimed their intention to sink at sight all mer-

chant ships going to or coming from Great Britain. It is not pretended by the Dutch that this practice can be justified by any rule of international law. On the other hand, it has been demonstrated that the possession of a gun adds greatly to the safety of a merchant vessel. His Majesty's Government, therefore, are clearly of opinion that, in the interests of impartial neutrality no less than of friendship, the Dutch Government should relax their rule excluding defensively armed merchant vessels from their ports. Otherwise they are assisting German submarine lawlessness and increasing the danger to our merchant vessels.

Further, at this very time the Netherlands Oversea Trust and the Dutch Government are asking that Dutch vessels shall not be compelled to go into a port of the United Kingdom for the exercise by His Majesty's Government of the belligerent right of visit and search, although the Netherlands Oversea Trust vessels have solemnly agreed to such procedure. They are asking us to forgo both our belligerent and contractual rights so as to increase the safety of their vessels at the same time as they are insisting by their own rules on increasing the danger of ours.

That is unreasonable, and the Dutch Government can not complain if we say that we can make no concessions to them unless they are prepared to show greater good-will towards us.

You should point all this out to the Dutch Government.

No. 12

*Sir W. Townley to Mr. Balfour. — (Received April 11)*

*The Hague, April 6, 1917.*

SIR: I have the honor to transmit herewith copy of a note from the Netherlands Government setting forth their reasons for refusing to allow armed merchantmen to enter Netherlands territorial waters.

I have, etc.

WALTER TOWNLEY.

Inclosure in No. 12

*Netherlands Minister for Foreign Affairs to Sir W. Townley*  
(Translation)

*The Hague, April 4, 1917.*

SIR: The regulation of the Netherlands Government regarding armed merchant vessels was, as far back as 1915, the object of correspondence between the British Legation and the Queen's Government. In this connection I venture to refer to Sir Alan Johnstone's letters of the 13th March and the 12th June, 1915, and mine of the 7th April and the 31st July, 1915.

The memorandum which your Excellency was good enough to transmit to me on the 12th March last intimates, without, however, furnishing reasons in support, that there is a contradiction between, on the one hand, the Netherlands Government's recognition of the legitimacy of armed resistance by a belligerent merchant vessel to an enemy warship, and, on the other, the resolution which they took at the beginning of the war not to admit armed merchant vessels of belligerent ownership within Dutch jurisdiction.

I had already, in my above-mentioned notes, had the honor to draw Sir Alan Johnstone's attention to the fundamental distinction existing between the principles of the law of war, which decide the legitimacy of the resistance offered by belligerent merchant vessels to enemy warships, and the principles of the law of neutrality, on which depends the point whether the admission into neutral ports of warships of belligerent nationality and of certain categories of vessels assimilated thereto, in particular, armed merchantmen, is or is not compatible with the observance of a strict neutrality.

It is by applying these principles of neutrality that the Netherlands Government have forbidden as a general rule, save for certain exceptions, the presence within their jurisdiction of belligerent warships and vessels assimilated to warships; from the beginning they have placed in this last category those merchant vessels of belligerent Powers which are provided with an armament and are consequently capable of committing acts of war.

In fact, a state in the very special geographical position in which the Netherlands find themselves in relation to the belligerent nations, could not insure respect for the neutrality of the territory under its

jurisdiction, except by forbidding access to this territory not only to warships but also to every armed vessel. This exclusion, on the one hand, safeguards the country against any concealed aggression. It prevents, on the other hand, acts of violence between belligerents from being committed within our territorial waters. Lastly, it offers to each belligerent the most effective guarantee that their adversaries will not succeed in utilizing some part of this territory as a base for naval operations.

If the Queen's Government, in default of conventional regulations regarding the special question of armed merchantmen, have been obliged themselves to formulate a rule, this rule in none the less an application of the fundamental principles of neutrality and can not be qualified as an arbitrary measure.

The Queen's Government are well aware of the perilous situation in which British merchant vessels find themselves when — like those of neutrals — they are subjected without means of defense to the attacks of German submarines. They do not hesitate to admit the perfect right of such vessels to arm themselves. But the considerations which in August, 1914, determined the attitude of the government still hold good. What, however, renders the question far more serious is the fact that it would be a matter of revoking at this moment a rule of neutrality which was established at the very beginning of the war, and was duly notified later to the two belligerent parties.

Nothing could be more contrary to the very principle of neutrality than to revoke during the course of a war, and at the demand of one of the belligerents, a rule of neutrality which, owing to the course of events, whatever they may be, proves to be disadvantageous to that belligerent only.

This revocation would unquestionably assume the character of a favor, and would consequently be incompatible with the impartiality which is the distinctive feature of neutrality.

If the British Government would be good enough to place themselves in the position of a neutral government, they would realize without difficulty that the Netherlands Government could not modify their line of conduct without compromising the neutrality which they have adopted since the beginning of the war and which they are determined to observe without failing. Your Excellency's Government will further recognize that it was the British delegates who, at the Second Peace Conference, laid particular stress on the fact that the

English doctrine does not admit that a state has the right of modifying its rules of neutrality in the course of a war, except with a view to rendering them *more* strict. (*Actes*, Vol. I, p. 326; Vol. III, p. 621.)

As I have had the occasion of saying to your Excellency, it is certainly not due to want of friendship or of good-will towards the British Government that the Queen's Government are obliged to maintain their attitude. They therefore can not believe that the British Government, for the sole reason that the Netherlands Government are unwilling to depart from the line of strict neutrality that they have traced for themselves, would refuse to maintain in favor of Dutch shipowners the facilities which have already been granted them for the examination of their vessels in a British overseas port, and which are as effective, for the purpose of the exercise of the right of search, as examination carried out in a port of the United Kingdom.

The antithesis put forward in your Excellency's memorandum with regard to the facilities asked for by Dutch shipowners at the very moment when the Netherlands Government refuse to grant a favor to British vessels is therefore difficult to uphold. For, according to the law of nations, the British Government are under no obligation to effect the examination of Dutch vessels in a port of the United Kingdom, instead of carrying it out on the high seas or in a British overseas port. On the other hand, by admitting at the present moment British armed vessels within Dutch jurisdiction, the Queen's Government would be gravely lacking in observance of an obligation which flows from their neutrality.

The withdrawal of the said facilities, which would not be dictated by any necessity of control, would have the character of an unjustified measure of reprisal, since no unfriendly or unjust action on the part of the Netherlands would have caused it.

The Queen's Government make a most serious appeal to the British Government's sentiment of equity in begging them not to hinder the provisioning of the Dutch nation, which is ever becoming more difficult, by measures in no way proportionate to their own in refusing to admit armed merchantmen into Dutch ports. For it can not be denied that if Dutch ships carrying provisions enter a port of the United Kingdom, whether of their own free will or because forced to do so, they run the greatest risk of being sunk without mercy by the enemies of Great Britain. The population of the Netherlands, depending as it does to such a large extent for its provisioning on overseas products, would eventually be the victim.

The Queen's Government are persuaded that Great Britain, in order to avoid this unfortunate consequence, which she doubtless can not desire, will maintain the calling facilities recently granted to shipping, which are duly appreciated as much by shipowners as by the Netherlands Government themselves.

J. LOUDON.

No. 13

*Lord Robert Cecil to Sir W. Townley*

*Foreign Office, May 18, 1917.*

SIR: 1. The note from the Netherlands Government, setting forth their reasons for refusing to allow armed merchantmen to enter Netherlands territorial waters, transmitted to me in your dispatch of the 6th April, 1917, has received the most careful consideration.

2. The main argument of this note repeats in substance the contention advanced in the answer contained in Sir A. Johnstone's dispatch of the 8th April, 1915, that the observance of a strict neutrality imposes on the Netherlands Government the duty of treating armed belligerent merchant vessels as ships assimilated to warships within the meaning of Article 4 of the proclamation of neutrality issued by the Netherlands Government at the outbreak of the present war in 1914. I propose, therefore, to consider this argument in detail.

3. The terms of Article 4 of the proclamation of neutrality make no specific mention of merchantmen which are armed for defensive purposes: it merely prohibits the presence within the jurisdiction of any belligerent warship or vessel assimilated to a warship. To interpret these words as covering British merchant ships engaged in commercial operations carrying a gun for purposes of self-defense is neither the natural nor the reasonable construction of the language, and I think it may be shown that it is unsound, for in no sense is an armed merchant ship, such as those with which we are now dealing, assimilated to a warship.

4. The essential idea of a warship is that it is equipped for the purpose of exercising the rights which appertain exclusively to a belligerent: it is armed for the purpose of facilitating the exercise of those rights, that is to say, for purposes of offense. The British merchant vessels which carry a gun are armed solely for purposes of defense. The right of self-defense is not limited to belligerents, it may be exercised by the ships of all nations without restriction, whether neutral



or belligerent, and a merchant ship armed for purposes of defense has, therefore, nothing in common with a belligerent warship and is in no way assimilated to it. Nor does such a vessel possess any of the distinguishing features which, according to No. 7 of the conventions which were signed at The Hague in 1907, a warship ought to possess. Such a vessel is neither under the direct authority, the immediate control, nor the responsibility of the Power whose flag it flies; it bears none of the external marks which distinguish the warships of that nationality; the commander is not in the service of the state nor duly commissioned; nor are the crew subject to military discipline. In no single respect is a merchant ship which is armed solely for purposes of defense assimilated to a warship or capable of committing an act of war.

5. It may be well to consider briefly what are the vessels one might assume were intended to be covered by the phrase in Article 4 of the proclamation of neutrality — “vessels assimilated to warships.” The Netherlands Government will no doubt remember that during the Second Peace Conference the British delegation put forward a proposal for extending the meaning of the term “warship” so as to make it cover certain categories of merchant ships not pursuing ordinary trading avocations, but in attendance upon a belligerent fleet, or engaged in duties bringing them into direct communication with the belligerent fighting ships. The proposal was ultimately withdrawn, but it gave rise to some very interesting discussions at that conference, and was the subject of a report on these “vaisseaux auxiliaires,” which will be found on p. 862 of Volume 3 of the Proceedings of the Conference. Under this proposal warships were to consist of “navires de combats” and “vaisseaux auxiliaires.” With regard to the second category, the report contains the following passage:

Sur ce point, son Excellence Lord Reay a expliqué le point de vue de sa délégation, qui est *d'assimiler* aux navires militaires d'une force navale, quant au traitement auquel ils sont exposés, les navires de commerce, soit employés au service de cette flotte pour un usage quelconque, soit placés sous ses ordres, soit servant à des transports de troupes, dans tous les cas, prêtant ainsi à la flotte une assistance évidemment hostile. . . . Ce n'est pas le commerce avec le belligérant qui est visé, c'est le fait pour un navire d'être au service de ce belligérant, à quelque titre, d'ailleurs, que ce soit.

6. In view of the discussions at The Hague, the natural interpretation of Article 4 of the proclamation of neutrality is that it is the vessels included in category (b) of the British proposal which are meant

to be covered by the words "(navires de guerre ou) *navires y assimilés*," not vessels engaged in purely commercial avocations which are incapable of performing an act of war, and which are in no sense employed in assisting a belligerent or in any service connected with the conduct of hostilities.

7. The argument of the Netherlands Government is that the observance of a strict neutrality obliges them to treat these defensively armed ships as assimilated to warships. The only rules of neutrality which a neutral state is obliged to enforce are those which are obligatory under the rules of international law, and the Netherlands Government will scarcely maintain that it is the principles of international law which require it to exclude from its ports a merchant ship armed for purposes of self-defense. The surest guide to the principles of international law is to be found in the practice of states, and during the present struggle no other neutral government (except perhaps that of President Carranza in Mexico) has found itself obliged by the rules of international law to deny the use of its ports to such vessels.

8. If further proof is wanted that the principles of international law do not necessitate any such regulation as that which the Netherlands Government are now insisting on, it is sufficient to mention that the practice of arming merchant ships is by no means new, and yet no state has hitherto thought it necessary to adopt the attitude which the Netherlands Government are adopting now, and no writer of repute has suggested that a neutral state is bound to do so. The Netherlands Government will, I feel sure, admit that whatever other reasons there may be for their present attitude, international law did not compel them to adopt it.

9. The enactment, if any there be, which excludes from Netherlands ports merchant vessels armed solely for defense is a rule of internal legislation and nothing more. His Majesty's Government do not question the right of the Netherlands Government to enact rules and regulations as to the use of Dutch ports in the time of war which may be stricter and more far-reaching than any which international law imposes upon them the obligation to enact. Their right to do so flows from their attributes as a sovereign state, but there are certain limitations on the legislative freedom of a sovereign state. Treaty obligations must be borne in mind, and the rules imposed for the purposes of neutrality must be impartial, for impartiality is of the essence of neutrality.

10. The practice of encouraging merchant vessels to carry arms was revived by His Majesty's Government as a measure of protection to British shipping against the raiders which it was evident the German Government intended to create in time of war by converting their merchant ships into warships on the high seas. To the latter government it was an inconvenient move, as it would interfere with the depredations which these invalidly converted warships would be able to commit. The German publicists were therefore instructed by their government immediately to deny altogether the right of a merchant ship to defend herself from a belligerent warship, and that view the enemy government, regardless of the precedents of the past, has continued to maintain. If this view prevailed, arms would be valueless to a merchant ship, even though their presence is legitimate, because she could not make use of them. By this means the arming of merchantmen would be discouraged, and, in fact, so far as is known to His Majesty's Government, the few German merchant vessels which venture on a voyage to foreign ports are not armed. A rule which closes Dutch ports to merchant ships armed in self-defense must operate with complete want of equality and impartiality as between the two belligerents because it opens Dutch ports to all German merchant vessels without opening them to all British vessels. A British merchant vessel will not, in fact, be allowed that freedom of trade with Holland which the commercial treaty between the two countries guarantees to it unless it deprives itself of the safeguards which, by the law of its own country, not less than by international law, it is entitled to adopt.

11. The note of the 4th April suggests four reasons why it is incumbent on the Netherlands Government to close their ports to armed merchant ships: That the geographical position of Holland prevents her insuring respect for her neutrality unless such a rule is adopted; that it safeguards the country against concealed aggression; that it prevents acts of violence between belligerents within the jurisdiction; and that it guarantees each of the belligerents against use by the other of Dutch territory as a base of naval operations.

12. As to these various arguments, I may say that the particular way in which the geographical position of Holland is exceptional or differs from that of other neutral countries limitrophe with the enemy countries is not explained in the note, and His Majesty's Government feel unable to appreciate that argument. Merchant ships engaged

in commerce are singularly unsuited for committing acts of aggression in foreign ports; but if one were minded to do so, an unarmed vessel would be almost as capable of committing such acts as an armed one. No foreign Power acts on the assumption that foreign merchant vessels will so abuse the hospitality of its ports as to commit acts of aggression, and if there were any real reason to apprehend such conduct on the part of British vessels, the exclusion of those only which are armed for purposes of defense would do nothing to safeguard the country from it. With regard to the third argument, if belligerents were anxious to commit acts of violence against each other, they would scarcely resort to the use of defensively armed ships for the purpose. As to the last argument, the obligation to prevent the use of their territory as a base of naval operations is incumbent on all neutral countries. His Majesty's Government are unable to see how exclusion of defensively armed merchant ships could conduce towards this result; but, even if it were so, a rule which no other Power has found it necessary to adopt can not be required for the purpose.

13. The last contention with which I find it necessary to deal is that it would constitute a serious infraction of the obligations of the Netherlands Government if they were to vary their rules of neutrality during the continuance of the present hostilities. Reference is made in support of this argument to the statement of the British delegates to the Second Peace Conference in 1907 that they could scarcely conceive of a case where it would be necessary for a neutral to modify the regulations which it had issued for the maintenance of its neutrality with a view to rendering them *less* strict.

14. This contention of the Netherlands Government might have more weight if they had issued any regulation which dealt specifically with the admission to their ports of merchant ships armed for defense. As I have pointed out, Article 4 of the proclamation of neutrality does not, on any fair construction of its terms, cover such vessels, for in no single respect are they assimilated to warships. The more cogent answer, however, to this contention is that all the principles laid down at The Hague presupposed the conduct of hostilities by the belligerents in accordance with the laws of war. They can not apply in their entirety in the presence of such circumstances as the ruthless destruction by enemy submarines of all merchant ships, whether neutral or belligerent, without warning, and irrespective of the service in which they were engaged. Under such conditions the power to exercise

the right of self-defense becomes a matter of cardinal importance and to insist on maintaining the misapplication to merchant ships engaged on purely commercial operations of a neutrality provision relating to vessels assimilated to warships in the face of such action on the part of the enemy is not an observance of neutral duty: it is a passive but none the less real and effective coöperation with the enemy in his campaign of maritime atrocity.

15. The Netherlands Government will, of course, maintain their present interpretation of the Article 4 of their proclamation of neutrality so long as they think it expedient to do so; but on their side His Majesty's Government can only declare that as the extension of that article to merchant ships armed solely for purposes of defense is incompatible with any fair construction of its terms, and as the closing of Netherlands ports to such merchant ships on the plea of neutrality is not required by the law of nations or the practice of other states, and as the provision when regarded as a municipal enactment is inconsistent with the treaty rights of Great Britain and operates exclusively to the advantage of the enemy, they must hold the Netherlands Government responsible for all losses to British ships trading with Holland so long as those vessels are, if they enter a Netherlands port, obliged to forgo their right to provide themselves with means of self-defense.

16. You will read this dispatch to the Minister for Foreign Affairs and will leave with him a copy.

I am, etc.

ROBERT CECIL.

No. 14

*Sir W. Townley to Mr. Balfour*

*The Hague, June 20, 1917.*

SIR: I have the honor to transmit herewith copy of a note from the Netherlands Minister for Foreign Affairs, setting forth the views of the Netherlands Government with regard to belligerent armed merchantmen.

I have, etc.

WALTER TOWNLEY.

Inclosure in No. 14

(Translation)

*Ministry of Foreign Affairs,*

*The Hague, June 18, 1917.*

SIR: On the 4th instant your Excellency was good enough to transmit to me a note of the British Government, dated the 18th May last, regarding the regulation applied by the Queen's Government to armed belligerent merchant vessels. This note, in the first place, points out that Article 4 of the Netherlands declaration of neutrality does not specially mention merchant vessels armed for defensive purposes, but prohibits the admission within Netherlands jurisdiction of warships or of vessels assimilated to warships. The words "assimilated to warships" should, according to the British Government, be interpreted in the light of the proposal made by the British delegation at the Second Peace Conference (Vol. III, *Actes et Documents*, p. 862) relative to merchant vessels "employed in the service of a naval force for any purpose, whether placed under its orders, or serving for the transport of troops, in any case thus affording to the fleet assistance of a clearly warlike character." They could not be applied to a merchant vessel armed with a gun solely for purposes of defense. A merchant vessel, even if provided with an armament, does not possess any of the distinguishing features which, according to the Seventh Hague Convention of 1907 (Articles 1, 2, and 3), a warship ought to possess. Besides, the essential character of a warship is that it is armed for purposes of offense, whilst a merchant vessel, even if armed, is incapable of committing an act of war or of assisting one of the belligerents.

The Queen's Government are unable to admit the accuracy of the above reasoning.

In employing, in Article 4 of the declaration of neutrality, the term "vessels assimilated to warships," the Queen's Government simply intended to exclude from their jurisdiction any vessel, the admission of which would be contrary to their duties as a neutral government, and which would menace the security of the kingdom. It is quite clear that there is no question here — as the remark of the British Government would lead one to believe — of a *technical* term, the use of

which, in a sense other than that attached to it by the British delegation at the Second Peace Conference in a totally different connection, would be excluded.

The assimilation contemplated in the declaration of neutrality does not indeed, and can not, refer to anything but the admission within Dutch jurisdiction. It does not, and can not, confer on the vessels to which it alludes the character of warships. The question whether these vessels do or do not possess the distinguishing marks of warships does not therefore arise.

The Queen's Government are unable to share the British Government's point of view, according to which vessels employed in commerce are, even if armed with a gun, incapable of committing an act of war or of assisting one of the belligerents. An armed merchant vessel undeniably possesses in its armament not only a means of defense, but a means of attack as well.

The British Government then criticize the argument of the Queen's Government that the observation of a strict neutrality obliges them to treat armed merchantmen as assimilated to warships from the point of view of admission into their waters. In their opinion, the surest guide to the principles of international law is to be found in the practice of the various states, and during the present war no other neutral government but the Queen's Government — except, perhaps, that of President Carranza — have found themselves obliged by the rules of international law to deny to the vessels in question the entry into their territorial waters.

The Queen's Government would remark, by the way, that the Governments of Sweden and Denmark have made no pronouncement upon the question, while the Government of the United States, according to Mr. Lansing's declaration in his note of 18th January, 1916, to the ambassadors of the belligerent Powers, were convinced of the correctness of the point of view according to which armed merchant vessels should be treated by neutrals as vessels of war. But apart from this, the Queen's Government, in default of any conventional regulations on this special point, are called upon to decide for themselves what, in the circumstances in which they are placed, the duties of neutrality impose upon them.

The British Government again remark that, in employing their right to issue rules regarding the admission of vessels into their ports, the Queen's Government should have regard for the obligations derived

from treaties and should take care that the rules in question are impartial, impartiality being the dominant principle of neutrality. As German merchant vessels are not armed, the rule relative to the admission of vessels within Dutch jurisdiction would open Dutch ports to all German merchantmen and not to all British merchantmen. It would thus operate in an unequal manner and with partiality. Further, British merchant shipping would not even enjoy any more the treatment assured to it by the treaty of commerce which exists between the Netherlands and Great Britain.

Now, as the British Government were aware, the Queen's Government have, since the beginning of the war, considered it necessary to close their ports to all armed belligerent merchant vessels. At that time it was not out of the question that German merchantmen would arm themselves just as British merchantmen have since done. The measure then operated in a manner absolutely impartial to all. During the course of the war, circumstances have led British merchant vessels to provide themselves with an armament in the interests of their security. If at the present moment the rule does not affect the two belligerent parties in an equal manner, the fault is evidently not due to the Queen's Government, but to the force of circumstances, by which it so often happens that the application of a rule of neutrality affects in a number of cases one of the belligerents only, without there being any question of partiality in favor of its adversary.

As regards the treaty of commerce existing between Great Britain and the Netherlands, it does not (as I have had the honor to observe recently to your Excellency in an analogous case) imply for the contracting governments the obligation to receive *in all circumstances* into their ports, the vessels flying the flag of the other contracting party. If the British Government did not share this opinion, they could not justify various measures that they have taken in the course of the war, and which are not expressly provided for in the treaties; I quote as an example the closing of certain ports of the United Kingdom to Dutch shipping, an exception of which no mention is made in the treaty in question.

The British Government further examine the four reasons which, as explained in my letter of the 4th April last, decided the Netherlands Government to close their ports to armed belligerent merchant vessels.

The first of these four reasons was the very special geographical position in which the Netherlands find themselves in relation to the



belligerent countries. The British Government declare that they are unable to appreciate how this position of the Netherlands is exceptional or differs from that of other neutral countries.

It is sufficient to recall the fact that no other neutral country is situated so close as the Netherlands to the principal theater of the war on land and on sea, and that consequently no other country ran the same degree of risk of seeing its coastal waters, not to mention the rivers which flow into these waters, utilized by the belligerent Powers. These considerations held good especially at the beginning of the war before Belgium was a belligerent party, and when it might consequently be expected that British as well as German merchantmen would use the port of Antwerp. They lost nothing of their value when Belgium became a belligerent party, and when at first only English vessels, and after the capture of Antwerp German vessels only, could enter or leave that port. Lastly, the risk of an encounter near the Dutch coast between the naval forces of the two belligerent parties and their merchant vessels is obvious.

The second of the four reasons was that the exclusion of armed merchantmen assured the security of the Netherlands against any concealed aggression.

The British Government hold the view that vessels destined for commerce are singularly unsuited for committing acts of aggression in foreign ports; but that, if there were an intention of committing such acts, an unarmed vessel would be no less capable of them than an armed one.

Now, if armed merchantmen had been admitted into Dutch ports, the possibility of a large number of these vessels collecting in Dutch waters, and therefore of a real danger, was in no way unlikely.

The third reason was that the regulation issued prevents acts of violence from being committed between the belligerents in our territorial waters. The British Government state that if the belligerents desire to commit acts of violence against each other, they will certainly not resort to the use of defensively armed ships for this purpose.

In putting forward the reason in question, the Queen's Government did not have in view the case of belligerents coming into Dutch ports with the fixed intention of committing acts of violence against their adversaries, but the case of merchant vessels of the opposing sides unexpectedly finding themselves at the same moment in those ports. If they were unarmed, they would not be tempted to commit acts of

violence against each other; but, having an armament, they might doubtless be so tempted.

The fourth reason was that the measure adopted by the Queen's Government offers the most effective guarantee to each of the belligerents that their adversary will not succeed in utilizing any part of Dutch territory as a base of naval operations. This reason does not appear to be clear to the British Government.

It is evident that armed merchantmen, being capable of committing acts of war, could abuse neutral territory as a base of action against the enemy quite as well as warships properly so called.

Lastly, the British Government take up the argument of the Queen's Government that it would be contrary to the very principle of neutrality to revoke in the course of a war and at the demand of one of the belligerents a rule of neutrality which owing to the course of events proves to be disadvantageous to that belligerent only, an argument which the Queen's Government thought would be all the more conclusive in that it was the British delegates who, at the Second Peace Conference, laid particular stress on the fact that English doctrine does not recognize that a state has the right to modify its rules of neutrality during the course of a war, except with a view to rendering them *more* strict.

The British Government are of the opinion that this argument would have more weight if Article 4 of the declaration of neutrality had made special mention of armed merchant vessels.

The revocation of a rule of neutrality established since the beginning of the war, whether it be expressed word for word in the declaration of neutrality or not, is none the less contrary to the principles of the law of nations. The British Government's remark is still less well-founded, as they have been aware of the rule in question since the first days of August, 1914. Besides, the official declarations contained in the Orange Book presented to the States-General in October, 1915, and reproduced in the *Recueil de diverses communications du Ministre des Affaires Étrangères aux États-Généraux par rapport à la neutralité des Pays-Bas et au respect du droit des gens*, are certainly equivalent to a mention in the declaration of neutrality.

In the light of the above, the Netherlands Government find it difficult to take seriously the allegation that their attitude is equivalent to a real, though passive, coöperation in the submarine warfare. They can therefore only decline without hesitation the responsibility which His Britannic Majesty's Government declare their desire to impose

on them for all losses of British ships, trading to Dutch ports, which may have been obliged to forego their armament in order to be admitted.

Accept, etc.

J. LOUDON.

No. 15

*Mr. Balfour to Sir W. Townley*

*Foreign Office, July 17, 1917.*

SIR: I duly received your dispatch of the 20th ultimo, and have read with attention the note from the Netherlands Government inclosed therein, containing their reply to the arguments put forward in my dispatch of the 18th May against the exclusion of defensively armed merchant ships from Netherlands ports.

2. The Netherlands Government, after a summary of certain of those arguments, begin by asserting that they do not, in regarding such vessels as "assimilated to warships" for the purpose of applying their neutrality regulations, use the words in the sense in which they were used in the proceedings at the Second Hague Conference, but in a wider and less technical sense. They appear to have meant by the expression, in using it in their regulations, any ship which they might at any time choose to regard as assimilated to a warship, instead of meaning a ship such as had hitherto been generally considered as properly to be classed with warships. It seems unfortunate that they should, without making the fact clearer, use the term in such a sense in a set of published regulations which are based for the greater part on a Hague Convention, and the phrases of which one would naturally expect to be used in a sense conforming to that given them in discussions at the Hague Conference. The Netherlands Government virtually confess that the inclusion of defensively armed merchant ships within the definition of vessels "assimilated to warships," as used in their decree of neutrality, is an arbitrary decision, and there should therefore be no difficulty for them in varying the interpretation of the words which they have adopted.

3. M. Loudon does not dispute the fact, which was pointed out in my previous dispatch, that no neutral government during the present war, except possibly that of General Carranza in Mexico, have thought themselves bound to exclude armed merchant ships from their ports.

They can only point out that two countries with which the question of the admission of such vessels has not, so far as I am aware, been raised by any belligerent government, have not taken any public decision upon it; and that the United States Secretary of State, in a note advocating, in the interests of humanity, a compromise between the opposing belligerent groups in regard to their methods of naval warfare, expressed an opinion at variance with the ancient and settled practice of his own country. The Netherlands Government, therefore, can not contend that there is anything in the practice or theory of other countries to justify their attitude. The practice of those countries is universally contrary to the Netherlands practice. The theory, so far as it has been formulated, is opposed to the theory maintained by the Netherlands Government, except, indeed, in Germany, where, as so often, it has been hastily evolved, by order of the German Government, to suit the special interests of the country.

4. The Netherlands Government again contend that they have the duty of excluding armed merchant ships from their ports, because they could not otherwise insure respect for their neutrality. Their grounds for thinking this are totally inadequate. They endeavor to defend their rule by reference to the special situation of their country and to the effects of their rule in safeguarding Netherlands neutrality. They state that armed merchant ships are more capable than unarmed ships of committing in Netherlands ports acts of violence against the Netherlands and against enemy shipping; they maintain that armed ships are likely to be tempted to use their arms in a neutral port, and that their exclusion is an additional guarantee that Netherlands ports and waters will not be used as a base by one belligerent to the detriment of the other.

5. These arguments contain, it is fair to say, a modicum of truth, but they are quite insufficient to show the existence of a duty on the part of the Netherlands Government to deny facilities to armed merchant ships. Apart from the fact that the fears expressed as to the possible violent conduct of such vessels in neutral ports assume exceptional bad faith and lack of restraint on the part of the masters of the ships concerned, the arguments put forward apply to all neutral countries, and not specially to the Netherlands more than to other countries, the ports of which are used by merchant shipping of the opposing belligerents. They apply, too, with much greater force to warships than to defensively armed merchant ships. Yet it is doubtless recog-

nized by the Netherlands Government that a neutral country is under no obligation to exclude, in the interests of its neutrality, belligerent warships from its ports.

6. It is apparent from the foregoing that it is not the text of the neutrality proclamation which constrains the Netherlands Government, but merely the interpretation of it which has been adopted, and that they are not supported by the theory and practice of other countries, nor justified by special circumstances in denying to armed merchant ships access to their ports and waters. They have, as I anticipated, not ventured to contend that it is the principles of international law which require them to enforce such a rule. On what else do they rely? They claim that they are bound, if they are not to commit an unneutral act, to abstain from altering during the course of the war a rule of neutrality when once published, and point out that the British delegates at the Second Peace Conference maintained that no such alteration should be permitted, except in the direction of greater strictness.

7. This proposal was not, however, accepted by the Conference, and the principle which opposes alterations of any kind in published rules of neutrality is not even technically absolute. The appeal made to it by the Netherlands Government was, moreover, answered in my previous dispatch by an argument which they have totally ignored. I pointed out that "all the principles laid down at The Hague presupposed the conduct of hostilities by the belligerents in accordance with the laws of war," and that "they can not apply in their entirety in the presence of such circumstances as the ruthless destruction by enemy submarines of all merchant ships, whether neutral or belligerent, without warning," a condition of affairs in which "the power to exercise the right of self-defense becomes a matter of cardinal importance."

8. Perhaps the most serious fact with which the world is faced today is the abandonment by the German Empire, in its warfare at sea, of the rules of war and the morality which is the basis of international law. The Netherlands Government apparently do not think this retrogression towards the barbarous methods of ancient warfare worthy of a single word. Their adherence to a position, based on technicalities, which favors the German Empire's immoral methods would, even if those technicalities were not open to criticism as such, obviously be unfortunate, for it is evidently not calculated to help in restoring the outraged principles of international morality.

9. You will read this dispatch to the Netherlands Minister for Foreign Affairs, and will leave with him a copy.

I am etc.

A. J. BALFOUR.

No. 16

*Sir W. Townley to Mr. Balfour*

*The Hague, August 16, 1917.*

SIR: I have the honor to transmit herewith copy of the reply of the Netherlands Minister for Foreign Affairs to your dispatch of the 17th ultimo, on the subject of the exclusion of defensively armed merchant ships from Dutch ports, copy of which I left with his Excellency on the 25th ultimo, after having read it to him in accordance with the instructions contained in your above-mentioned dispatch.

I have, etc.

WALTER TOWNLEY.

Inclosure in No. 16

*M. Loudon to Sir W. Townley*

(Translation)

*The Hague, August 15, 1917.*

SIR: I have had the honor to receive from your Excellency copy of a note from the British Government dated the 17th July last, containing their observations in reply to my letter of the 18th June, 1917, regarding the regulation applied by the Queen's Government to armed belligerent merchant vessels.

In reply to these observations, I have the honor to bring the following to your Excellency's notice:

The Queen's Government did not say that in their declaration of neutrality they employed the expression "vessels assimilated to warships" in any sense other than that attached to it by the Second Peace Conference. They did say and they still maintain that the Conference did not attach to this expression any special meaning which would place it in the category of technical terms.

The British Government, to prove the contrary, refer to the proposal of their delegates relative to the definition of the term "auxiliary vessels." The passage from the Minutes quoted in the British Government's note of the 18th May last mentions that this proposal tended

to assimilate these auxiliary vessels to warships. The proposal was withdrawn, and as a result no definition was found in the law of nations for the term "auxiliary vessels." In these circumstances it is impossible to maintain that the incidental use of the expression "assimilated to warships" has made this expression a technical term.

It is true that the Dutch declaration of neutrality does not enumerate the categories of vessels which are assimilated to warships as regards their admission within Netherlands jurisdiction, but the British Government have since the beginning of the war been aware — through the precise information given to the British naval attaché, Captain Henderson, by my colleague the Minister of Marine in person in August, 1914 — that the Queen's Government included armed belligerent merchant vessels in the expression "vessels assimilated to warships." This interpretation did not at the time evoke any protest from the British Government, who moreover in their regulations for prize court procedure likewise assimilate armed vessels to warships (Prize Court Rules, 1914, Order I).

The Queen's Government can not recognize that a modification of the interpretation of their neutrality declaration would be in itself less serious from the point of view of neutrality than modification of the declaration properly so called or of a rule enacted to meet cases not provided for in the declaration.

The law of nations does not prescribe for neutrals the duty either of admitting armed belligerent merchant vessels within their jurisdiction, or of refusing them entry. It leaves them to determine for themselves their line of conduct on this point. The British Government can not therefore contest, nor have they moreover contested, the legitimacy of the Netherlands regulation. But they reproach the Netherlands Government with being the only neutral government to adopt such an attitude. I have already had the honor of pointing out to your Excellency that this is not quite exact, certain neutral Powers having made no pronouncement on this subject, and the United States Government, in a note dated the 18th January, 1916, having clearly expressed themselves in the sense that armed merchant vessels should be treated by neutrals as warships (cf. the State Department's publication entitled "European War," No. 3, pp. 163, 164).

The British Government set aside this declaration of the United States Government on the pretext that it was expressed in a note conceived with a conciliatory object. It is true that the United States

Government addressed their note to the Allied Governments in a spirit of conciliation, but of course in the sense that they were proposing, in the interests of humanity, that the belligerents should conform on both sides to the prescriptions of international law as understood by the United States. They expressly added that they were convinced of the justice of the view that armed merchant ships should be treated by neutrals as warships.

The British Government do not think it necessary to attach any importance to the arguments put forward by the Queen's Government to prove that the Netherlands regulation was necessary in order to insure the neutrality of Dutch territory.

They do not refer to the most important contingencies which I mentioned to your Excellency under this head as being likely to threaten the integrity of the domain under the jurisdiction of the Netherlands. They do not appear to wish to recognize the fact that these contingencies might have a particularly serious character owing to the geographical position of the Netherlands, between Great Britain and Germany — a position in which no other neutral in the same measure stands.

They confine themselves to considering the case which is the least to be apprehended — that of an act of violence due to the bad faith and lack of self-restraint of the captain of an armed merchant vessel.

The British Government can not, however, refuse to admit that one of the first duties of the Queen's Government was to insure the integrity of their territory, and that this integrity would be seriously endangered if one of the other contingencies to which I alluded happened to occur. In these conditions it was their duty to exclude all belligerent vessels.

The British Government can not justifiably contest either the legitimacy of the Dutch regulation, or, if they would place themselves for a moment in the standpoint of the Netherlands, the gravity of the reasons which caused them to adopt it. They can not, furthermore, maintain that the modification of a rule of neutrality during the war would not be contrary to the law of nations, seeing that they have themselves done the opposite in a memorandum addressed to the United States Government on the 23d of March, 1916, in which it is textually stated: "Such a modification indeed would be inconsistent with the general principles of neutrality as sanctioned in paragraphs 5 and 6 of the preamble to the 13th Convention of The Hague concerning maritime neutrality" ("European War," No. 3, p. 188).



Your Excellency's Government would seem to be of the opinion that the Netherlands Government should nevertheless depart from their present line of conduct in order to show how much they condemn the method by which the German navy carries on war.

Whatever may be their personal opinion on this last point, an opinion that they are not called upon to express to the British Government, the Netherlands Government consider that it would be contrary to a just conception of neutrality if they allowed themselves to be influenced by a consideration of this nature to modify their rules of neutrality or the interpretation of these rules as established by them. In conformity with the standpoint in which they have always placed themselves, towards Great Britain as well as others, the Queen's Government do not set themselves up in judgment upon the measures taken by the belligerents to do harm to one another. They only protest against these measures in so far as they injure the rights of neutrals. The protests, which they have never failed to make, especially as regards submarine warfare, are a proof of this.

J. LOUDON.

No. 17

*Mr. Balfour to Sir W. Townley*

*Foreign Office, September 8, 1917.*

SIR: In your dispatch of the 16th ultimo, you transmitted to me a copy of a reply which you had received from the Netherlands Minister for Foreign Affairs to the observations contained in my dispatch of the 17th July in regard to the refusal of the Netherlands Government to admit defensively armed merchant vessels into Dutch ports.

It is apparent that further detailed argument on the subject would serve no useful purpose, and I wish only to draw attention to the most obvious general conclusions which emerge from the correspondence which has passed between His Majesty's Government and the Netherlands Government.

In the first place, the Netherlands Government have been unable to show that they do not stand alone among neutral governments, save for the doubtful exception of General Carranza's administration in Mexico, in adopting a rule excluding defensively armed merchant ships from their ports. They attempt to derive comfort from the fact that the Governments of Sweden and Denmark have not had

occasion to make their views known and from certain observations made in an informal letter addressed by the United States Secretary of State on the 18th January, 1916, to the diplomatic representatives of the Allied Governments in Washington. A few remarks must be made with regard to this letter.

It was written, as a perusal of it shows, with the object of bringing about, if possible, by agreement a cessation of the attacks made by German submarines without warning on merchant ships of the Allied and neutral countries and a confinement of submarine warfare within the limits imposed by the general rules of international law and the principles of humanity. Mr. Lansing suggested that the Allied Governments might be willing, in order to achieve this end, to accept a rule under which merchant vessels of belligerent nationality should be prohibited from carrying armament. Such an agreement would have involved the abandonment of the rule followed and upheld by the United States since the creation of the republic. His note concluded with the words "my government is impressed with the reasonableness of the argument that a merchant vessel carrying an armament of any sort, *in view of the character of submarine warfare and the defensive weakness of undersea craft*, should be held to be an auxiliary cruiser and so treated by a neutral as well as by a belligerent government, and is seriously considering instructing its officials accordingly." The sentence was no doubt intended as an indication that, unless the suggested compromise were seriously considered, armed merchant ships might in the future be excluded from United States ports. The Netherlands Government, in quoting Mr. Lansing merely as saying that he "was convinced of the justice of the view that armed merchant ships should be treated by neutrals as warships," are obviously misrepresenting him.

The agreement suggested by Mr. Lansing was not acceptable to the Allied Governments, and the United States Government shortly afterwards, in a memorandum dated the 25th March, 1916, put on record their view of the legal status of armed merchant ships, which was entirely consonant with the traditional practice of the United States in treating such vessels as ordinary merchantmen; this practice had already, since September, 1914, been put into force during the present war.

The second important observation suggested by the correspondence is that the Netherlands Government have not attempted to answer

the argument of His Majesty's Government that the discussions at the Second Peace Conference, including the contention of the British delegates that it should not be permissible to alter during the course of a war a rule of neutrality once laid down, presupposed the conduct of war by belligerents in accordance with the rules of international law, the flagrant violation of which is, as a matter of fact, an essential feature of the German submarine warfare. This circumstance obviously deprives of all force the appeal of the Netherlands Government, sufficiently weak in itself, to technical legal objections to a modification of their unparalleled regulation.

You should communicate a copy of this dispatch to the Minister for Foreign Affairs, informing him that His Majesty's Government, while deeply regretting the attitude maintained by the Netherlands Government, do not propose for the present to continue the discussion of the question at issue.

I am, etc.

A. J. BALFOUR.

No. 18

*Sir W. Townley to Mr. Balfour*

*The Hague, October 23, 1917.*

SIR: In compliance with your instructions, I duly communicated to the Netherlands Minister for Foreign Affairs a copy of your dispatch of the 8th ultimo in regard to the refusal of the Netherlands Government to admit defensively armed merchant vessels into Dutch ports. I at the same time informed his Excellency that His Majesty's Government, while deeply regretting the attitude maintained by the Netherlands Government, do not for the present propose to continue the discussion of the question at issue.

I have now the honor to transmit copy of M. Loudon's reply containing the comments of the Netherlands Government on the various points raised in your above-mentioned dispatch and adhering to the view expressed by His Majesty's Government that a further discussion of this question would present no advantage.

I have, etc.

W. TOWNLEY.

Inclosure in No. 18

*M. Loudon to Sir W. Townley*  
(Translation)

*The Hague, October 22, 1917.*

SIR: In your note of the 13th September last your Excellency was good enough to communicate to me a copy of a note from the Secretary of State for Foreign Affairs, dated the 8th September, respecting the admission of armed merchant vessels of the belligerents into Netherlands ports, which contained the reply to the note which I had addressed to you on the 15th August last.

In that note I had again set out the reasons which made it the duty of the Queen's Government to maintain the decision which they had taken in the matter at the beginning of the war. Since the Secretary of State refrains from replying to it, so far as the main question is concerned, I may restrict myself to making the observations suggested to me by the two particular points raised by Mr. Balfour.

In the first place, I must point out that the British Government have not justified their assertion that the Queen's Government are the only neutral government to consider that there are serious reasons against admitting armed merchant ships of the belligerents into neutral ports.

Of the three countries (Denmark, Norway, and Sweden) of which the geographical position in relation to the theater of war can in a measure be compared with that of the Netherlands, two, Denmark and Sweden, have not expressed their views on the subject. The Government of the United States of America admitted such vessels, subject to certain restrictions, into their ports. But the publications of the Department of State show that that government entertained grave doubts as to whether any admittance of such ships was not incompatible with a strict observance of the duties of neutrality. Thus it appears from the paper "European War," No. 2, pp. 41-42, that in order to remove the preoccupation of the American Government in the matter, the British Government assented to the British armed merchant ship *Merrion*, which had arrived in a port in the United States, disembarking her guns before putting to sea. It is known, moreover, that for the same reason no British armed merchant ship called at a port in the United States for a period of about a year after the case of the *Merrion* and that of the *Adriatic*, which is also referred to in the above-men-

tioned document (pp. 41-42). The same paper contains (pp. 45-46) a letter in which the United States Government, while fully admitting that a merchant ship has the right to arm for purposes of self-defense, make it known that they disapprove of a practice which compels a neutral to express an opinion as to the intended use of a vessel, and thus to incur responsibility in the event of this opinion subsequently proving wrong. In these circumstances, it is all the more difficult to maintain that the Queen's Government have wrongly interpreted the words "my government is impressed with the reasonableness of the argument that a merchant vessel carrying an armament of any sort, in view of the character of submarine warfare and the defensive weakness of undersea craft, should be held to be an auxiliary cruiser and so treated by a neutral as well as by a belligerent government," which show clearly that in the opinion of the United States Government an attitude of the kind adopted by the Netherlands since the outbreak of the war was reasonable.

In the second place, the Secretary of State affirms that the Queen's Government have not even attempted to contest the argument of the British Government setting aside the applicability of the rule that a neutral Power should not modify its neutrality regulations in the course of a war except to render them more strict. The British Government consider that the Queen's Government could rightly neglect this rule on the ground that the Second Peace Conference only laid it down on the supposition that belligerents would conduct war in a manner conforming to international law.

I venture to recall to your Excellency that I have already contested this argument, especially at the end of my note of the 15th August. I am not aware that the conventions of The Hague or general international law contain a rule, or the records of the Second Peace Conference even an indication, that a neutral state should alter its neutrality regulations in favor of one belligerent party because of the manner in which his opponent conducts war. As for the fact that the warlike operations of one belligerent injure the rights and interests of the neutral, it is for the neutral to decide without any intervention on the part of the other belligerent, whether the fact gives him occasion to depart from the state of neutrality which he has announced.

Agreeing with the view of the British Government that the discussion of this question should be closed, I have, etc.

J. LOUDON.

## No. 19

*Mr. Balfour to Sir W. Townley*

*Foreign Office, November 14, 1917.*

SIR: I have received your dispatch of the 23d ultimo, inclosing a copy of a note from the Netherlands Minister for Foreign Affairs replying to the observations contained in my dispatch of the 8th ultimo with regard to the refusal of admittance of defensively armed merchant ships into Dutch ports.

I had not intended to extend the correspondence on this subject, seeing that all the arguments by which the Netherlands Government have attempted to show that there is a duty upon them to exclude such vessels from their ports have already been exhaustively discussed. It is necessary, however, to make a few observations in reply to M. Loudon's last note, since it attributes to His Majesty's Government an attitude which they have never taken up, and it is essential that this should not pass uncorrected.

His Majesty's Government have never asserted, as alleged by the Minister for Foreign Affairs, that no neutral state but the Netherlands considered that there were serious reasons against the admission into neutral ports of merchant ships of the belligerents carrying defensive armament. They have merely pointed out that "during the present struggle no other neutral government (except perhaps that of President Carranza in Mexico) has found itself obliged by the rules of international law to deny the use of its ports to such vessels," and that "no state has hitherto thought it necessary to adopt the attitude which the Netherlands Government are adopting now." These statements were and are perfectly correct, and all that M. Loudon has said in reply to them leaves them standing in every particular. The Minister for Foreign Affairs attempts to defend the attitude of his government by reference to some hesitation which was at one time expressed by the United States Government when neutral. His Majesty's Government desire nothing better than the adoption by the Netherlands of the doctrine and practice of the United States as neutrals in this matter.

I need say little in reply to the concluding passages of M. Loudon's note. His Majesty's Government have, of course, never contended that there is any rule of international law which compels the Netherlands Government to reverse their policy. They have merely con-

tended, and I trust have established, that the Netherlands rule is unnecessary and unneutral, and that the government is under no obligation to maintain it. The practice of the numerous other neutral governments who have had to consider the question during the present war shows that, with the doubtful exception of General Carranza's Government, they one and all share the view that action upon the lines taken by the Netherlands Government is not incumbent upon a neutral state.

I request that you will communicate the foregoing remarks to the Minister for Foreign Affairs.

I am, etc.

A. J. BALFOUR.

#### APPENDIX

##### *Article 4 of Netherlands Proclamation of Neutrality*

(Translation.)

"Warships of a belligerent and vessels of a belligerent assimilated to warships shall not be admitted within the jurisdiction of the State."

## DIPLOMATIC CORRESPONDENCE BETWEEN THE NETHERLANDS AND THE ENTENTE ALLIES REGARDING THE ADMISSION OF ARMED MERCHANT VESSELS TO DUTCH PORTS<sup>1</sup>

[The correspondence with Great Britain was also published by that government and is reproduced in this Supplement from the British Parliamentary Paper. The following collection contains the correspondence, published by the Netherlands, with other governments, with one additional note from Great Britain not included in the British Paper. — Ed.]

### *Note from the British Legation to the Netherland Ministry for Foreign Affairs*

His Britannic Majesty's Chargé d'Affaires is instructed to call the immediate attention of the Netherland Government to the well-known rules of international law embodied in The Hague Convention No. 13 of 1907. A neutral government is bound by these rules to prevent the arming or fitting out or departure from its jurisdiction of any merchant vessel which is intended to be employed for warlike purposes.

As Germany claims the right to convert merchant vessels into ships of war on the high seas, neutral governments are called upon to exercise the greatest vigilance to prevent the departure of any German vessel capable of being so converted if there are good grounds for suspecting her intentions. Reasonable grounds for suspicion would exist if there were signs of shipping ammunition, concealing arms and ammunition on board, mounting of guns, taking unnecessarily large quantity of coal, and especially painting ship a warlike color or refusing to take passengers on board if the vessel is fitted for passenger accommodation.

A neutral Power renders itself responsible for any damage to shipping, trade, and other interests which may be caused by such vessels thereafter if it does not exercise due diligence in preventing the departure in such circumstances.

<sup>1</sup> Diplomatieke Bescheiden Betreffende de Toelating van Bewapende Handelsvaartuigen der Oorlogvoerenden en Onzijdigen Biennen het Nederlandsche Rechtsgebied, Augustus, 1914 - November, 1917. 's Gravenhage — Algemeene Landsdrukkerij — 1917.



His Majesty's Chargé d'Affaires is instructed to express the confident hope of His Majesty's Government that if the Netherland Government have not already issued the necessary orders to prevent any abuse of their neutrality, they will do so immediately.

A full investigation by the local authorities should be made of any vessels whose movements or proceedings are of a nature to give rise to suspicion and such vessels should be refused clearance and prevented from leaving national waters until this has been done.

His Majesty's Chargé d'Affaires is also directed to instruct all British consular officers to report immediately to His Majesty's Legation any suspicious cases, and at the same time to warn the local authorities of the consequences which might ensue from any negligence on their part.

*The Hague, 11th August, 1914.*

*Note from the German Legation to the Netherland Ministry for Foreign Affairs*

According to information which has reached the Imperial Government, the English steamer *Brussels* was, during its stay at Rotterdam early in the year, armed with guns placed on the lower deck.

Many English merchant ships are similarly armed for the purpose of offering armed resistance to German warships.

Such armed resistance is contrary to the law of nations and would give warships the right to sink the boat in question, together with its crew and the passengers on board. It would seem to be very doubtful whether such boats might demand admission to the ports of a neutral state. In any event, they should not enjoy more favorable treatment than that accorded by such a state to warships intended for legitimate naval warfare. They should therefore at least be subject to the laws enacted by that state with regard to the length of time belligerent warships shall be allowed to remain in its ports.

The Imperial Government, in consideration of the foregoing facts, has the honor to address the Queen's Government, with the request that it take such action as is necessary, so that armed merchant ships in the ports of the Netherlands shall be treated in the same way as vessels of war.

*The Hague, August 2, 1915.*

*Note from the Netherland Ministry for Foreign Affairs to the German Legation*

In reply to the note from the Imperial German Legation of August 2d last, J. No. 4629, the Royal Ministry of Foreign Affairs has the honor to inform the Legation that the admission of belligerent armed merchant ships to the ports, roadsteads, and territorial waters of the Netherlands is governed by the rules relative to the admission of belligerent warships.

Belligerent armed merchant ships come within the classification of "vessels assimilated to belligerent warships," provided for in Article 4 of the Netherland proclamation of neutrality, dated August 6, 1914.

The Queen's Government does not share the opinion expressed in the notice of the Imperial Legation that armed resistance is contrary to the law of nations. It believes, on the contrary, that that law permits belligerent merchant ships to defend themselves against enemy warships.

Nevertheless a belligerent merchant ship which shows fight in order to escape from being captured or destroyed by a warship of the enemy commits an act of war.

The Queen's Government was of the opinion that the strict neutrality which it had resolved to observe from the very beginning of the war imposed upon it the duty of assimilating any belligerent merchant ship, armed for the purpose of committing an act of war in case of need, to belligerent warships in the terms of the neutrality proclamation.

The neutrality proclamation prohibits, as a general rule, belligerent warships, as well as vessels assimilated to them, from entering the ports, roadsteads, and territorial waters of the kingdom (in Europe). This rule is subject to exceptions only in case of damage or of stress of weather at sea.

Therefore no belligerent armed merchant ship has been admitted to a port of the kingdom during the war.

As for the British steamer *Brussels*, mentioned in the Imperial Legation's note, this vessel was subjected to a thorough special inspection on March 30th last by the Netherland authorities at Rotterdam. This inspection showed conclusively that the vessel was not armed.

*The Hague, September 7, 1915.*

*Note from the French Legation to the Netherland Ministry for Foreign Affairs*

It appears from the exchange of views which took place between the Royal Government and the Government of the Republic in the month of December last, on the subject of the admission of merchant ships armed for self-defense to Netherland ports, that the Royal Ministry of Foreign Affairs considers such admission contrary to the Netherland neutrality declaration of August 1, 1914, by virtue of which merchant ships armed for self-defense are subject to the same rules as vessels of war.

It would not, however, seem to be possible that the Netherland neutrality proclamation could have reached any decision in this respect, and have enacted, for example, that armed merchant ships would be assimilated to warships; for the question of armed merchant ships, as it presents itself at the present day, is a brand-new question, or at least one which, it would appear, should not have arisen in international relations since the Treaty of Paris of 1856. It is the methods of submarine warfare, the torpedoing of innocent vessels, the destruction of their crews and cargoes, that have revived the insecurity at sea which formerly prevailed. Under these conditions governments would be seriously failing in their duty of protection toward the sailors of their merchant marine and the passengers sailing under their flag if they refused, contrary to the traditions formerly followed in all countries, to allow merchant ships the means of defending themselves on the high seas. To prohibit them from entering ports would be equivalent either to denying them this right, or to refusing to allow them to have intercourse with countries exercising this right. This would be an unfriendly attitude, which it is certainly neither the desire nor the intention of the Royal Government to assume.

It should be added that the new conditions with which we are confronted are the immediate and direct consequence of the "new decisions" which were communicated to the Royal Government by the German Legation at The Hague on January 31st and which justified the Royal Government's protest against the new régime which these "decisions" had the effrontery to establish, "in violation of the law of nations and, eventually, of the laws of humanity."

We are, therefore, warranted in believing that the question of armed merchant ships could not have been considered at the time when

the Netherland neutrality declaration was drawn up and that the Royal Government is still entirely free to decide that question.

Moreover, according to the official documents which it has published, the Royal Government does not dispute the legality of arming vessels, as practiced. It states that this question belongs to the domain of international law, while the question of admitting armed vessels to neutral ports belongs to the domain of neutrality and can be settled by each country as its interests demand.

In our opinion, this contention is in conflict with the principles of international law and, in particular, appears to be contrary to the decisions of the Second Hague Conference.

If the conditions or restrictions with regard to admission imposed upon belligerent vessels by a neutral Power are indeed a matter for domestic legislation on neutrality, it is nevertheless on condition that these conditions or restrictions do not violate international law. Now the question whether or not a foreign vessel has the character, the rights, and, as in the present argument, the obligations of a warship is a question of an international nature governed by international law. The report accompanying Hague Convention VII of 1907 brings this point out: "Certain rules of neutrality," says the report, "— sometimes local, such as passage through certain straits; sometimes general, such as the limit of stay or of victualing in neutral ports — apply only to warships" (*Actes de la Seconde Conférence de La Haye*, Vol. 1, p. 240). And Convention VII stipulated as a corollary of the Declaration of Paris of 1856 that there should be no other warships than the vessels of the naval fleet (*ibid.*, p. 244), and that, in order to be regarded as a warship, a vessel must be under the direct authority, immediate control, and responsibility of the state, its captain must be in the service of the state, and its crew must be under military discipline.

Therefore, only merchant ships converted into warships according to the provisions of the Seventh Hague Convention of October 18, 1907, may be assimilated to warships, and the assimilation of armed merchant ships to warships can not be admitted on any grounds in international law. It could not be otherwise, for such an assimilation would have the effect of giving purely and simply to merchant ships armed for self-defense the same rights as to warships. This would imply the reestablishment of privateering by the act of the neutral Powers that should adopt this point of view, thus assuming the heaviest of responsibilities.

Hence the Legation of France is pleased to hope that the Royal Government will see in the admission of warships armed for self-defense both a strict and correct duty of neutrality toward belligerents, and a recognition of principles that have long been universally recognized and codified by the law of nations.

*The Hague, March 15, 1917.*

*Note from the Netherland Ministry for Foreign Affairs to the French Legation*

The institution of armed merchant ships did not arise in the course of the present war. It was inaugurated by the British Government, in spite of the fact that at the Second Hague Peace Conference it was regarded as excluded (see the observations of Captain Ottley, delegate of Great Britain, and Captain Behr, delegate of Russia, Acts, Vol. III, p. 1010). Consequently the Queen's Government had, in the month of May, 1913, submitted to the commission which it had appointed to draw up the Netherland proposals with regard to the program of the Third Peace Conference, the question as to what treatment should be applied to such vessels in time of war and in time of peace.

In its report presented on March 28, 1914, the commission expressed the opinion that armed merchant ships of a belligerent Power should not be admitted to the dominion of the Netherlands except on the same footing as belligerent ships of war.

When war broke out, the Queen's Government forbade, as a general rule, with certain exceptions, the presence within its jurisdiction of belligerent warships and vessels assimilated thereto. From the outset it has, in conformity with the opinion of the aforesaid commission, included in this latter classification merchant ships of the belligerent Powers that are provided with an armament and therefore suitable for committing acts of war.

Indeed, a state in the very peculiar geographical situation in which the Netherlands finds itself with respect to the countries at war could insure respect for the neutrality of the dominion over which it has jurisdiction only by forbidding not only warships but all armed vessels as well from entering this dominion. This exclusion made the country on the one hand secure against any masked attack. It prevented, on the other hand, the commission of hostile acts between belligerents in Netherland territorial waters. Finally, it offered each belligerent

the most effective guarantee that his adversary would not succeed in utilizing some part of this dominion as a base of naval operations.

The rule enacted by the Queen's Government is therefore the logical consequence of the fundamental principles of neutrality, notably of the principle sanctioned by Article 5 of Hague Convention XIII of 1907.

The French Government, however, disputes its legality. Its argument may be summed up as follows: If the conditions or restrictions with regard to admission imposed upon belligerent vessels by a neutral Power are a matter for domestic legislation on neutrality, it is nevertheless on condition that such legislation shall not violate the law of nations. Now it follows from Hague Convention VII of 1907 that the only vessels upon which the law of nations confers the character of warships are, aside from warships proper, merchant ships converted into warships in conformity with the provisions of the aforesaid convention. Consequently the assimilation of armed merchant ships to warships would be contrary to the law of nations. To assimilate vessels that do not fulfill the conditions of the aforesaid convention to warships would have the effect of giving these vessels the rights of warships, and this would be equivalent to reëstablishing privateering.

The Queen's Government must first of all observe that it has not in the official documents which it has published made a distinction between the *law of nations* and the law of neutrality, as the French Government assumes, but between the *law of war* and the law of neutrality, both of which form a part of the law of nations, but are governed by different principles by reason of the totally different character of the matter falling within the province of each of these branches of the law of nations.

The British Government, which, at the very beginning of the war, informed itself with regard to the treatment which the Queen's Government would apply to armed merchant ships, had contended in the month of June, 1915, just as the French Government now contends, that merchant ships armed solely for self-defense do not lose their character as merchant ships, since, according to the law of nations, a belligerent merchant ship is permitted to defend itself against an attack on the part of an enemy warship. In its opinion, armed merchant ships might, therefore, be admitted by neutral Powers to their waters on the same footing as other merchant ships.

The Queen's Government replied that it had no hesitation in admitting the right of merchant ships to arm themselves; but it added that

in its opinion it does not follow that armed merchant ships of belligerents should be admitted to the ports, roadsteads, and territorial waters of a neutral Power, inasmuch as this latter question belongs to the domain of the law of neutrality, while the question whether belligerent merchant ships have the right to defend themselves against enemy warships in order to escape capture or destruction belongs to the province of the law of war.

There is involved a question of a fundamental distinction in the established law of nations, which has effect not only in codified rules, but also in matters which have not yet been settled in detail by conventional stipulations.

Therefore the legality of the act of a belligerent merchant ship which defends itself against a warship of the enemy does not impose upon neutral states the duty of admitting to their dominions merchant ships armed for self-defense any more than the legality of the acts of war committed by belligerent warships imposes upon those states the obligation of admitting these warships to their dominions.

The Queen's Government fully shares the view of the Government of the Republic that it is not lawful for a state to confer the character of a warship upon a vessel which has not that character according to the provisions of the law of nations. Moreover, it is not conferring this character upon armed warships. It is confining itself to "assimilating" them to warships, in so far as their admission to its waters is concerned. The French Government can not fail to recognize the fact that it is only necessary to put the question whether a declaration of neutrality confers upon vessels therein designated as "vessels assimilated to warships" the character of warships according to the law of nations, to answer it in the negative. For any interpretation to the opposite effect would be fundamentally wrong, in that it would attribute to such a declaration a scope beyond the sphere of its natural application.

What the Netherland neutrality declaration enacts is a rule that certain classes of vessels, *which are not* warships according to the law of nations, but whose presence within the dominion over which the Netherlands has jurisdiction would be calculated to compromise the security and neutrality of that dominion, shall be subject to the same treatment as ships of war, namely, that their presence will not be tolerated. It confers upon them no other right than that of being admitted to this dominion in the cases in which warships also are admitted thereto.

If privateering were reestablished, it would certainly not be by the act of the Powers that refuse to receive in their dominion vessels which, though they do not fulfill the conditions required of vessels of war, are nevertheless provided with an armament that enables them to commit acts of war.

No rule of the law of nations denies to neutral states the right to proclaim, with regard to belligerent vessels other than warships, such rules as are necessary to insure respect for the dominion over which they have jurisdiction, namely, that such vessels shall be subject to the same treatment as warships.

Hague Convention VII governs the legal status of auxiliary cruisers duly incorporated into the navies of belligerents. By virtue of the said convention, these vessels are not simply assimilated to warships, but by reason of their conversion they actually become warships and can not be treated as privateers. On the other hand, the convention does not deal with the legal status of vessels which can not claim to be warships, but which are none the less suitable for war operations.

The passage in Mr. Fromageot's report, stating that certain rules of neutrality, sometimes local, such as passage through certain straits, sometimes general, such as the limit of stay or of victualing in neutral ports, apply only to warships, could not therefore be construed in the sense that states which have remained outside of the war have no duties of neutrality with respect to vessels which do not fulfill the conditions required in order to acquire the right to be called warships. By placing this construction upon the passage in question, we would not be taking into account Article 5 of Convention XIII, which prohibits belligerents from using neutral ports and waters as bases of naval operations against their enemies.

It follows from the foregoing that Convention VII in no way affects the rights and duties of neutral Powers with regard to belligerent vessels, which, though they can not be considered warships, are adapted for military purposes. Such vessels are subject to Convention XIII and the general principles of neutrality.

The Queen's Government is perfectly aware of the perilous situation in which French merchant ships find themselves when they are not convoyed by warships and — like neutral vessels — have no defense against the attacks of German submarines. It understands that because of this danger certain of them will not continue to visit regularly the Netherland ports which they have been accustomed to frequent.



It would regret exceedingly this consequence, so injurious to the interests of both countries, of its rule of neutrality.

But the considerations which determined it in the month of August, 1914, to include belligerent armed merchant ships in the category of vessels assimilated to warships in the terms of its neutrality declaration still have their full force.

Besides, a change in its attitude at the present time would be especially serious, because it would involve the revocation of a rule of neutrality laid down at the very beginning of the war and duly notified to both belligerent parties.

Nothing could be more contrary to the very principle of neutrality than to repeal in the course of a war and at the request of one of the belligerents a rule of neutrality which, as the result of events, whatever they may be, is found to be to the disadvantage of that belligerent alone. Such a revocation would indisputably take on the character of a favor and would therefore be incompatible with impartiality which is the distinctive feature of neutrality.

The Queen's Government flatters itself that the Government of the Republic, after taking note of the foregoing, will be convinced that the attitude of the Netherlands on this point is not inspired by any unfriendly intention toward France or her allies.

*The Hague, April 26, 1917.*

*Note from the American Legation to the Netherland Ministry for Foreign Affairs*

*The Hague, March 13, 1917.*

EXCELLENCY:

I have the honor to inform your Excellency that inasmuch as American vessels which are departing from the United States for the prohibited zones are being armed for self-protection, I have been instructed by my government to ascertain from your Excellency whether vessels of this nature will be permitted by the Royal Netherlands Government to enter the ports of Holland and depart therefrom without hindrance.

I shall be glad therefore if your Excellency will kindly inform me, if possible, of the action which Her Majesty's Government intends to take in connection with this matter.

I avail, etc.

(Signed) MARSHALL LANGHORNE.

*Note from the American Legation to the Netherland Ministry for  
Foreign Affairs*

*The Hague, March 17, 1917.*

EXCELLENCY:

I have the honor to refer to my communication addressed to your Excellency on the 14th instant, regarding the treatment of armed neutral vessels which may enter the ports of the Netherlands and, at the request of my government, to ask that your Excellency will kindly inform me if, in connection with the treatment accorded to the vessels in question in Dutch ports, it is the intention of Her Majesty's Government to draw any distinction between vessels which are armed privately by the respective owners and American merchant ships which carry an armed guard placed on board for protection by the Government of the United States.

I avail, etc.

(Signed) MARSHALL LANGHORNE.

*Note from the Netherland Minister for Foreign Affairs to the American  
Chargé d'Affaires*

*The Hague, March 22, 1917.*

MR. CHARGÉ D'AFFAIRES:

In reply to your favors of the 14th and 17th instant, I have the honor to inform you that by virtue of the Royal decree of July 30, 1914 (*Journal Officiel* No. 332), the presence of warships or vessels assimilated thereto of foreign Powers in Netherland territorial waters and interior waters is not permitted.

Armed merchant ships come within the category of vessels assimilated to warships, without distinction as to whether the owner of the vessel provided it with an armament on his own authority, or whether the foreign government has placed a gun crew on board the vessel for its protection.

The Royal decree does not apply to the colonies of the Netherlands. Kindly accept, etc.

(Signed) J. LOUDON.

*Note from the American Legation to the Netherland Ministry for Foreign Affairs*

*The Hague, April 2, 1917.*

EXCELLENCY:

With reference to your Excellency's note of March 22, 1917, No. 11459, regarding the regulations applicable to armed merchantmen in the territorial waters of the Netherlands, I have the honor to ask at the instance of my government, that you will be so good as to inform me if the above-mentioned regulations apply to armed merchant vessels of neutral countries as well as to those of belligerent countries.

I venture to add that the Government of the United States assumes that the position of Her Majesty's Government does not refer to armed merchant ships of neutral countries which may enter Dutch ports as merchant vessels, and accordingly will be glad to receive a confirmation of this view from the Government of the Netherlands.

I avail, etc.

(Signed) MARSHALL LANGHORNE.

*Note from the Netherland Minister for Foreign Affairs to the American Chargé d'Affaires*

*The Hague, April 14, 1917.*

MR. CHARGÉ D'AFFAIRES:

In reply to your note of the 2d instant, I have the honor to inform you that the Royal decree of July 30, 1914, cited in my letter of March 22d last, No. 11459, prohibits, as a general rule, the presence of warships or vessels assimilated thereto of any foreign Power in the territorial waters or interior waters of the Netherlands. This Royal decree does not apply to the colonies.

The neutrality declaration substituted therefor special provisions, in so far as belligerent warships or vessels assimilated thereto are concerned. According to the terms of the said declaration, the presence of any warship or vessel assimilated thereto of a belligerent Power shall not be tolerated in the jurisdiction of the state, including the colonies and overseas possessions, except in the cases provided for in Article 5. The sanction of this provision is formulated in Article 3,

which prescribes internment in case of infraction of the rules contained in Articles 2, 4, and 7.

Armed merchant ships, in so far as the application of these prescriptions is concerned, are included in the category of vessels assimilated to warships.

It follows from the foregoing that the presence of armed merchant ships of a belligerent Power is prohibited throughout the entire jurisdiction of the state, while such vessels of neutral Powers are barred from such jurisdiction only in so far as the dominion of the kingdom in Europe is concerned.

Kindly accept, etc.

(Signed) J. LOUDON.

## GENERAL AGREEMENT BETWEEN THE UNITED STATES AND NORWAY RELATING TO EXPORTS <sup>1</sup>

*April 30, 1918*

The War Trade Board, an administrative agency empowered by executive order of the President to license exports from the United States, and the special representative of the Norwegian Government, have jointly considered the commercial relations between the United States and Norway, during the continuance of the present war, for which period this agreement shall continue, subject to termination by either party at the expiration of one year from date and at any time thereafter by either party upon giving three months notice of intention to terminate the same.

With the knowledge of their respective governments, the War Trade Board and the special representative of the Norwegian Government have agreed as follows:

### ARTICLE I

1. The powers of the War Trade Board are administrative and pertain wholly to the Nation's domestic or internal affairs.

2. The said War Trade Board agrees that Norway shall receive at ports of origin her estimated needs of the articles enumerated in the several schedules annexed in so far as the same, first, are not required for consumption in the United States, and in so far as the exportation thereof will not so reduce available supplies as to prevent the rationing of the nations associated with the United States in the war; and, second, will not, directly or indirectly, be exported to any country or ally of any country with which the United States is at war.

3. In consideration of the stipulations hereinafter set forth, said War Trade Board agrees to license the export (and in so far as the United States is concerned, free of license charges or export tax), or facilitate the obtaining, as the case may be, of the estimated requirements of Norway enumerated in the Schedules A, B, C, D, E, and F, hereto annexed and made a part hereof. Norway's genuine require-

<sup>1</sup> Official Bulletin, May 27, 1918.

ments for home consumption of articles not mentioned in these schedules shall be met as far as possible.

4. If sufficient quantities to supply the estimated needs are not deemed available for exportation from the United States at the time required, export licenses shall be granted for as great a part thereof as is available, compatible with the rules and regulations set forth in this agreement; and said Board will grant licenses for bunker fuel and ship's stores to vessels transporting the said commodities to Norway from the United States or other countries.

The War Trade Board has been assured by the governments of the Powers associated in the war with the United States and with which it is acting in full accord in these matters that vessels carrying supplies to Norway in compliance with the present agreement shall not in any way be hindered, held, or seized on the part of the Allies, subject however, to the exercise by the Allies of the right of visit and search. The Governments of the said Powers associated with the United States will in every way facilitate the transportation to Norway of all such supplies.

The Norwegian vessels specially reserved for and when actually engaged in carrying supplies to Norway under the present agreement shall not be subject to bunker regulations or other restrictions and shall receive by license bunker fuel and ship's stores necessary to carry such supplies to Norway.

## ARTICLE II

In consideration of the granting of such export and bunker and ship's stores licenses for the exportation from the United States and other countries to Norway of the articles enumerated in the annexed schedules the Norwegian Government agrees to the following stipulations:

1. The commodities enumerated in the Schedules *A*, *B*, *C*, *D*, *E*, and *F*, annexed, for which licenses may be granted, are based upon the total estimated import needs of Norway for each 12 months' period during the continuance hereof, and, since these commodities are to be withdrawn from already restricted world supplies, it is expressly understood that all supplies Norway is enabled to import shall as, and when imported, be deducted from the commodities set forth in said schedules.

Owing to the fact that supplies in the United States are restricted, and as an inducement for Norway to obtain elsewhere a part of her

requirements and thus save in the use of tonnage, it is understood that in reckoning imports pursuant to the provisions hereof each ton of the commodities enumerated in the schedules annexed, obtained from Russia as constituted before the war, shall be counted as the equivalent of one-half ton obtained elsewhere.

The importation into Norway of the articles described in the said annexed schedules is for consumption in Norway and the quantities thereof which shall be licensed (notwithstanding the aggregate quantities set forth in the schedules annexed) shall at all times be determined by the actual internal requirements of Norway, with due regard to existing stocks and to the importation into Norway from countries where the license of the Board is not required of like articles, or articles capable of use as substitutes for those described in the annexed schedules.

No article imported into Norway under the provisions hereof shall be exported by Norway to other than "Allied" destination, nor shall any article released by such importation be exported to other than "Allied" destination.

2. Within sixty days from the execution of these presents, full statistics shall be obtained by the Norwegian Government and furnished to the accredited representative of the War Trade Board, and to accredited representatives of the governments associated with the United States in the war, showing in detail the amounts of existing stocks in Norway of all articles enumerated in the annexed Schedules *A, B, C, D, E, and F*, and also showing the locations and ownership of such stocks. And while this agreement continues in effect complete statistical information shall be furnished monthly from the date hereof, to the accredited representative of the War Trade Board, in regard to all exports from and imports into Norway. The statistics which shall be furnished shall be forthcoming not later than thirty days after the period to which they shall have reference, and shall state in detail the name, description, and quantity, the country of exportation and country of destination of each commodity imported and exported, and shall include statistics in regard to trade with both neutrals and belligerents. If any question shall arise in respect to the observance of any restrictions of, or prohibitions against, exports, full particulars shall, upon request, be furnished to the War Trade Board or its accredited representative in regard thereto, and the Norwegian Government will use every effort within its power in regard to the effective enforcement of such prohibitions, regulations, and restrictions. To the end that such

questions may arise as little as possible, the Norwegian Government is willing that the War Trade Board should require from importers in Norway, in return for the granting of licenses, such undertakings as to the disposal of the goods imported as may be in accordance with the terms of this agreement. The Norwegian Government shall have an opportunity to discuss with the representative of the War Trade Board the form of such undertakings. The War Trade Board reserves the right to refuse to accept guaranties which they have reason to believe are not offered in good faith. Such cases are to be explained to and discussed with the Norwegian branch associations.

3. Imports of the articles enumerated in the annexed schedules shall be distributed as evenly as possible throughout the year with due regard to seasonal requirements.

Norway is entitled to have at all times stocks of articles set out in schedules corresponding to at least three months' actual needs.

The right is reserved to the War Trade Board to determine the distribution of the allotments for export from the United States both as to time and port, but due consideration shall be given to any representations of the Norwegian Government that may from time to time be made in regard thereto. And the Norwegian Government will from time to time freely consult with the United States and its associates as to the oversea sources from which the articles which are to be imported into Norway shall be obtained.

4. All food and feed stuffs included within the schedules of estimated requirements obtained from the United States shall be purchased through, or with the approval of, the Food Administration, and the vessels engaged in carrying such tonnage shall receive the same at any Atlantic or Gulf coast port that may be designated by said Food Administration. The Norwegian Government will utilize the services of the Interallied Wheat Executive as their sole agent for the purchase of grain and flour everywhere except in the United States and European countries, and vessels engaged in carrying such grain and flour shall receive the same at any port outside the United States that may be designated by said executive.

The War Trade Board assures the Norwegian Government that the said Food Administration and the Interallied Wheat Executive will use every effort within their power to assist Norway in securing such commodities.

5. No articles, including those mentioned in Article III of this agreement, which are obtained, grown, or produced, in whole or in part,



by the use of any implements, machines, machinery, coal, gasoline, kerosene, oils, lubricants, or other auxiliaries or articles hereafter imported from the United States, or hereafter imported from any country associated with the United States in the war, or whose importation shall be facilitated by the War Trade Board's license for bunker coal and ship's stores, or by the license or authority of any country associated with the United States in the war, shall be directly or indirectly exported from Norway to any country or ally of any country with which the United States is at war (including territory occupied by the military forces of such country). The foregoing shall be taken also to include any country, whether previously Allied or neutral, all or a portion of whose territory is now occupied by Germany or her allies, excepting France, Italy, and Belgium.

6. No articles, including those mentioned in Article III of this agreement, which are obtained, grown, or produced, in whole or in part, by the use of any implements, machines, machinery, coal, gasoline, kerosene, oils, lubricants, or other auxiliaries or articles hereafter imported from the United States or hereafter imported from any country associated with the United States in the war, or whose importation shall be facilitated by the War Trade Board's license for bunker coal and ship's stores, or by the license or authority of any country associated with the United States in the war, shall be directly or indirectly exported from Norway to any neutral country until after Norway shall have procured an agreement from such neutral country, with proper security for the enforcement thereof, that such commodities so exported shall not be directly or indirectly reexported to Germany or her allies, nor shall any commodities which such articles so exported may serve to release be exported to Germany or her allies. The security mentioned above will be satisfactory to the United States as follows:

For Switzerland, anything going through the S. S. S.

For Holland, anything exported through the N. O. T.

For Denmark, anything exported through the Danish associations.

For Sweden, anything exported by means of *Handels Kommission* certificate.

Each of the foregoing associations will be satisfactory to the United States in the case of all articles which are included in the agreement between the respective importing association and the governments of the associates of the United States, but in respect of articles not so

covered Norway will not allow their export to any neutral country which does not effectively prohibit the export of such or similar articles or articles made from or by means of or released by them in any form whatsoever, without prior consultation with and the written assent of the representative of the War Trade Board.

In case the Swedish agreement with the United States and/or its associates in the war, if and when made, shall designate some other *kommission* or association, such designation shall be substituted for the *Handels Kommission* in this agreement.

### ARTICLE III

In consideration of the fact that Norway's requirements of necessities will be secured by the United States and the Powers associated with her in the war, and in order to give the United States and said Powers opportunity to buy considerable quantities of Norway's exportable surplus, the Norwegian Government agrees to the following restrictions of her exports to the Central Powers or their allies:

1. Norway will not export to the Central Powers or their allies foodstuffs of any kind except fish and fish products. Fish and fish products may be exported in quantities not to exceed 48,000 tons per annum, export weight.

The term "fish" shall be taken to include all categories of fish, both salt water and fresh water, including shellfish and marine animals, and the term "fish products" shall be taken to include the products of all fish as herein defined, whether fresh, salted, dried, smoked, canned, or preserved in any way whatsoever, but there shall be no export to Germany or her allies of any oil or derivations thereof, of fish or of any marine animals. The quantity of fish and fish products which may be exported to Germany and her allies shall not exceed 15,000 tons in any three months and the amount which such export is more or less than 12,000 tons in any quarter must be deducted from or added to 12,000 tons the following quarter.

The export of each class of fish and fish products is to be made in the form in ordinary commercial use in the past, but the Norwegian Government agrees that the export of "Kilpfisk" (i.e., dried salted fish) and "Torfisk" (i.e., dried fish) shall not exceed 8,000 tons a year in all, and canned fish goods shall not exceed 15,000 tons a year.

While this agreement is in force no fish caught by Norwegian boats shall, without the written consent of the Norwegian Government,

be landed elsewhere than in Norway, nor shall any such fish be transferred at sea except in collecting vessels, which shall be obliged to land their cargoes in Norway only.

2. The export per annum of the following articles from Norway to the Central Powers and their allies shall not exceed:

(a) Calcium carbide, 10,000 tons.

(b) Calcium nitrate, 8,000 tons.

(c) Ferro-silicon, 2,000 tons.

(d) Iron ore, 40,000 tons, no part of which shall be in the form of pyrites, nor any ores containing manganese. Besides this quantity to be exported of iron ore, there may also, as compensation, be exported a quantity of same containing iron equal to the amount of iron contained in the iron and steel goods exported to Norway from the Central Powers or their allies, plus 5 per cent for wastage. In no event, however, shall the aggregate quantity of iron ore exported by Norway under this clause exceed for any 12 months the amount exported in 1917, as per schedule attached.

(e) Zinc, 1,000 tons. Besides this quantity to be exported of zinc there may also, as compensation, be exported a quantity of same containing an equal amount of zinc to that contained in goods exported to Norway from the Central Powers or their allies, plus 5 per cent for wastage. In no event, however, shall the aggregate quantity of zinc exported by Norway under this clause exceed the amount exported in 1917 as per schedule attached.

(f) Aluminum, 40 tons.

The export of the foregoing articles, except by way of compensation, shall be distributed as evenly as possible over the year and the export of no article shall exceed half the annual quantity during the first six months.

3. Copper in the form of crude or refined copper or pyrites cinders on condition and to the extent that Norway shall receive within 60 days from the date of such export copper goods, or goods containing copper, the copper content of which shall be equal to the copper so exported less 5 per cent for wastage. In no event shall the aggregate quantity of copper (in whatever form it may be) exported by Norway under this clause exceed 200 tons. Nothing herein contained shall be construed to authorize or permit the exportation to Germany or her allies of pyrites in any form, except pyrites cinders, provided the total quantity of copper so exported shall not exceed 200 tons.

4. The Norwegian Government agrees that during the continuance of this agreement the following articles shall not be exported from Norway to the Central Powers or their allies:

Domestic animals or their products.

Bismuth.

Nickel.

Wolfram.

Chrome ore.

Pyrites.

Molybdenum.

Nitrates, except the 8,000 tons calcium nitrate mentioned in Article III, 2 (b).

Mica.

Tin.

Antimony.

Manganese.

Titanium.

5. The Norwegian Government agrees that the yearly export to the Central Powers and their allies during the continuance of this agreement of articles not mentioned in Article III, paragraphs 1-4, shall not exceed the quantities exported to the said countries from Norway in 1917, as given in the annexed schedule, marked *H*, nor include any other articles.

If Norway should desire to export to the Central Powers further articles not mentioned or additional quantities of those limited this will be sympathetically considered if the necessity should be shown therefor, but no such exports shall be made without prior written agreement with the War Trade Board.

6. In order to counteract the consequences of Norway having now for a long period of time had her supplies blocked, the moving of supplies to Norway, the stocks of which shall have been depleted, shall be undertaken with the greatest possible intensity, as soon as the present agreement comes into force.

7. Owing to the fact that the interest of a number of persons and firms who have hitherto carried on exports to the Central Powers will through the provisions of the present agreement be seriously interfered with, it is understood that in case such persons and firms guarantee to discontinue all exports to the Central Powers and their allies, except

exports permitted by the provisions of this agreement and referred to hereinafter in this section, they shall not be discriminated against after the conclusion of this agreement, provided such export was not carried on in violation of any existing undertaking or of any Norwegian law.

It is understood and agreed that the persons, firms, and corporations who may export to the Central Powers the commodities in the quantities hereinbefore provided for, or in section 2 of Article III provided for, shall not, because of such export, be deemed enemies or be discriminated against by the United States or the nations associated with the United States in the war.

#### ARTICLE IV

By way of compensation for the allotment of Norway's requirements, enumerated in the annexed Schedules *A, B, C, D, E, and F*, the Norwegian Government will authorize and permit the export, free of export taxes, of the following commodities to the United States or to any of the countries associated with the United States in the war:

(a) Chemical products. — Nitrates, cyanamide, calcium carbide, silicium carbide, and similar products.

(b) Metallurgical products. — Aluminum, zinc, sodium, ferro-silicon, ferro-chrome, special steel hobnails and nails.

(c) Minerals. — Iron ore concentrates and briquets, pyrites, molybdenite and other ores of the same class.

(d) Wood and manufactures of wood. — Round timber, mainly pitprops, sawn planed wood, pulp (dry), chemical pulp (cellulose), paper, and matches.

(e) Fish and fish products.

And in granting export licenses for said commodities, which Norway hereby agrees to do, free of all taxes or charges, the Norwegian Government will give the United States and her associates preference over all other countries, except as hereinafter in this article provided, for such quantities of said commodities in excess of Norway's genuine requirements for home consumption and as are hereinafter set forth.

It is understood that the preference just hereinbefore provided shall not apply with respect to the articles to be exported from Norway to the Central Powers in accordance with the provisions of section 2 of Article III hereof.

The quantities which it is estimated will thus be available for export to the United States and the countries associated with the United States in the war are substantially as follows (quantities are estimated in metric tons):

1. Chemical products. — Nitrates, 112,000 tons; cyanamide, 10,000 tons; calcium carbide, 30,000 tons; silicium carbide and similar products, 3,000 tons; total, 155,000 tons.

2. Metallurgical products. — Aluminum, 12,000 tons; zinc, 20,000 tons; sodium, 500 tons; ferro-silicon, 20,000 tons, ferro-chrome, 5,000 tons; special steel hobnails and nails, 3,000 tons; total, 60,500 tons.

3. Minerals. — Iron-ore concentrates and briquets, 200,000 tons; pyrites, 130,000 tons; molybdenite and other ores of the same class, 300 tons; total, 330,300 tons.

4. Wood and manufactures of wood. — Round timber, mainly pitprops, 150,000 tons; sawn planed wood, in all 400,000 tons; pulp (dry weight), 125,000 tons; chemical pulp (cellulose), 200,000 tons; paper, 125,000 tons; matches, 5,000 tons; total, 1,005,000 tons.

5. Fish and fish products, 48,000 tons.

Norway will permit the export to the United States and her associates in the war of any other commodities needed by them which she can spare.

6. Norway, while this agreement is in force, agrees that it will do nothing which will have the effect of interfering with exports of any of the commodities designated in this article to the United States or to any country associated with the United States in the war. Norway, while this agreement remains in force, agrees that it will do nothing which will have the effect of preventing an increase in the production of such articles and consequent increase in the export thereof to the United States and her associates where such increase can be effected without prejudice to the genuine Norwegian requirements for home consumption.

Nothing in this section contained shall, however, be construed to prohibit the enactment of laws for the protection or advantage of the laboring classes.

#### ARTICLE V

1. Nothing herein contained shall be construed as in any manner modifying or changing the terms or conditions of any arrangements or agreements between the Governments of Norway and France,

Italy, or Great Britain providing for the prohibition or restriction of exports from Norway, or the terms or conditions of any arrangement or agreement between the Governments of Norway and France, Italy, or Great Britain, or the terms or conditions of any guaranty given to or agreement made with those governments by Norwegian citizens, which either is now in force or which, having been in abeyance owing to the suspension of imports into Norway, may be revived when such imports recommence, under the terms of this agreement. If any agreement by the terms of which Norway is receiving from any country associated with the United States in the war, all or any part of any commodity needs provided for in the annexed schedules, shall, during the continuance of this agreement, be denounced or terminated at the instance of the Norwegian Government, then the quantity of any commodity which Norway would have been entitled to receive had she permitted the agreement so terminated to continue in force, shall be deducted from the quantities of such commodities set forth in the annexed schedules.

2. It is understood that the Norwegian Government shall have the right to control the import and distribution of all commodities imported into Norway, except as in this agreement provided; any commodity of a kind needed in a manufacturing plant whose import and distribution shall have been approved in this agreement by the Norwegian Government and which commodity shall be employed in producing manufactured articles for the United States or any country associated with the United States in the war, shall not, during the continuance of this agreement, be requisitioned, commandeered, or otherwise diverted or distributed by the Norwegian Government to the detriment of the operation of such plant, nothing in this section however to apply to food.

3. The Norwegian Government hereby declares that it is ready to, and does hereby, authorize trade associations in Norway to negotiate with the Governments of the United States, Great Britain, France, and Italy for the conclusion, revival, renewal, extension, or modification of all agreements with said governments, all such agreements when finally negotiated to be subject to the approval of the Norwegian Government. And the Norwegian Government hereby declares its readiness to permit the enforcement of any control, restriction, or prohibition in regard to imports and exports, and the distribution thereof, provided for in any such agreements, as far as consistent with existing Norwegian law.

It is understood and agreed that this agreement shall commence to operate May 10, 1918.

In witness whereof the War Trade Board has caused these presents to be executed by Vance C. McCormick, its chairman, and Dr. Fridtjof Nansen, special representative of the Norwegian Government, has executed the same on behalf of Norway, this 30th day of April, 1918.

WAR TRADE BOARD

By VANCE C. MCCORMICK,

Chairman.

FRIDTJOF NANSEN,

Special Representative of the Norwegian Government.

Norway

Annual quantities of supplies for Norway under a general agreement with the United States

(Quantities in tons where not otherwise designated)

Kind of goods	Quantities, metric tons	Kind of goods	Quantities, metric tons
<i>Schedule A — Foodstuffs</i>		Fruit, dried . . . . .	4,000
Bread grains, including rice	<sup>1</sup> 300,000	Fruit, fresh . . . . .	6,000
Oil cakes and Indian corn	<sup>2</sup> 200,000	Sugar . . . . .	50,000
Starches . . . . .	1,000	Pork and beef . . . . .	10,000
Cocoa . . . . .	1,400	<i>Schedule B — Oils and fats, etc.</i>	
Coffee . . . . .	14,500	Vegetable and animal oils .	10,000
Tea . . . . .	160	Oil seeds (for seed-crushing plants) . . . . .	<sup>3</sup> 20,000
Sauces and pickles . . . . .	80	Mineral oils . . . . .	76,500
Sirup . . . . .	10,000		
Spices . . . . .	382		

<sup>1</sup> Barley used in substitution for rye or wheat as a bread grain will count in proportion of 1.4 to 1, which does not apply in the case of barley used in the manufacture of beer.

<sup>2</sup> The figure for fodder stuffs of 200,000 tons is in terms of corn values, and includes all concentrates, oil cake being figured at 4 to 1, and includes the fraction of oil seeds in terms of oil cake later included in classification.

<sup>3</sup> Two items 10,000 tons vegetable and animal oil and 20,000 tons oil seed in terms of oil. This figure to be estimated in connection with Norwegian stock of fish oil suitable for fabrication into margarine with the addition of a certain amount of cottonseed oil. Any fats or oils to be used in Norway for fabrication of foodstuffs under contract to the Allies, including canning of fish, are to be especially provided for said purposes under special arrangement in each case.



Paraffin wax, stearine, stearine acid, and palm acid.....	750	hardware and tools, chemicals, dyes, colors, drugs, medicines, agricultural implements and agricultural machinery, and other articles to assist Norway in increasing her own production of foodstuffs.....	(*)
Vegetable and mineral turpentine and white spirit	350	<i>Schedule E — Miscellaneous</i>	
Varnishes.....	370	Corkwood .....	900
Shellac.....	68	Borax and boric acid .....	80
Rape oil.....	120	Asbestos .....	350
Ceresin, carnauba wax....	40	Rock phosphate .....	40,000
Oils, not specified.....	1,500	Antimony .....	12
<i>Schedule C — Rubber, etc.</i>		Electrode carbon and carbon electrodes.....	5,000
Rubber, etc.....	500	Hides .....	3,500
Rubber covers for automobiles and trucks.....	(*)	Tanning extracts.....	5,000
Rubber tubes for same (including new importations on cars).....	8,300	Resin .....	4,000
Solid rubber tires for trucks (including new importations on cars).....	1,100	Tobacco .....	2,000
Rubber tires for motorcycles (including new importations on cars).....	2,100	Shoes, boots, and rubbers (mostly rubbers).....	200
Rubber tires for same (including new importations on cars).....	2,100	<i>Schedule F — Metals, minerals, etc.</i>	
<i>Schedule D — Textiles</i>		Tin, raw .....	(7) 80
Silk yarns and tissues....	110	Tin plates .....	(*)
Cotton, raw, yarn and manufactures.....	8,000	Lead .....	1,000
Wool, wool yarn, and products.....	3,700	Iron and steel (pig-iron ingots, bars, hoops, angles, plates, pipes, fittings, wire, etc.).....	250,000
Flax, hemp, jute, and tow	6,500	Copper (plates, bars, pipes, wire, cable).....	7,000
Metal-working machinery of all kinds.....	(*)	<i>Schedule H (*)</i>	
Fixtures, motor cars, motor trucks, bicycles, writing machines, cash registers, accounting machines,		Down .....	0.003
		Skin of otter.....	0.001
		Skin of fox.....	0.685

\* 17,000 pieces (including new importations on cars).

\* Subject to special agreements.

\* As required by Norway.

\* Increase subject to future agreement.

\* Subject to future agreement.

\* Figures to the right of the decimal point are kilograms.

Kind of goods	Quantities, metric tons	Kind of goods	Quantities, metric tons
Skin of polar bear.....	0.760	Silver waste.....	1.998
Skin of seal.....	213.190	Pumps.....	0.160
Skin of shark.....	0.550	Tools, etc.....	11.600
Skin of wild animals not specified.....	3.430	Other manufactures of iron.....	0.165
Whalebones.....	16.668	Manufactures of silver ...	0.003
Furniture.....	0.050	Manufactures of gold ....	0.001
Lichens.....	7.009	Other machinery.....	136.324
Writing paper.....	0.080	Various tools and appara- tus.....	24
Various manufactures of paper.....	0.018		11.800
Waste of paper.....	314.395	Medicines, norgin and tangan.....	0.222
Rutil.....	2.133	Books.....	1.778
Granite.....	2,531.020	Rat poison.....	8.100
Felspar.....	1,260.000	Ice.....	99.000
Soapstone.....	231.780	Waste of soapstone.....	7.760
Stone chiseled.....	97.267	Seaweed.....	425.000
Whetstones.....	98.670	Moosehorn.....	2.000
Felspar dust.....	125.500	Lead ash.....	21.683
Talcum.....	17.120	Screws.....	0.732
Seaweed ashes.....	478.300	Old electric motors.....	6.542
Phosphorus, raw.....	4.296	Iron ore.....	133,614.000
Blytam.....	1.965	Zinc.....	4,467.000

**PROCLAMATION CONCERNING THE POSSESSION AND UTILIZATION  
OF NETHERLANDS VESSELS**

No. 1436. March 20, 1918

WHEREAS, the law and practice of nations accords to a belligerent Power the right in time of military exigency and for purposes essential to the prosecution of war, to take over and utilize neutral vessels lying within its jurisdiction:

And WHEREAS the Act of Congress of June 15, 1917, entitled, "An Act making appropriations to supply urgent deficiencies in appropriations for the military and naval establishments on account of war expenses for the fiscal year ending June thirtieth, nineteen hundred and seventeen, and for other purposes," confers upon the President power to take over the possession of any vessel within the jurisdiction of the United States for use or operation by the United States:

Now therefore I, Woodrow Wilson, President of the United States of America, in accordance with international law and practice, and by virtue of the Act of Congress aforesaid, and as Commander-in-Chief of the Army and Navy of the United States, do hereby find and proclaim that the imperative military needs of the United States require the immediate utilization of vessels of Netherlands registry, now lying within the territorial waters of the United States; and I do therefore authorize and empower the Secretary of the Navy to take over on behalf of the United States the possession of and to employ all such vessels of Netherlands registry as may be necessary for essential purposes connected with the prosecution of the war against the Imperial German Government. The vessels shall be manned, equipped, and operated by the Navy Department and the United States Shipping Board, as may be deemed expedient; and the United States Shipping Board shall make to the owners thereof full compensation, in accordance with the principles of international law.

In Testimony Whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE in the District of Columbia, this twentieth day of March, in the year of our Lord one thousand nine hundred and  
 [SEAL.] eighteen, and of the Independence of the United States of America the one hundred and forty-second.

WOODROW WILSON.

By the President:

ROBERT LANSING,  
*Secretary of State.*

EXECUTIVE ORDER TAKING POSSESSION OF EQUIPMENT ON BOARD  
 NETHERLANDS VESSELS

No. 2825-A. March 28, 1918

In pursuance of the authority conferred upon the President of the United States by the Act approved June 15, 1917, entitled, "An Act making appropriations to supply urgent deficiencies for the fiscal year ending June 30, 1917, and for other purposes," the Secretary of the Navy is hereby authorized and directed to take over, on behalf of the United States, possession of all tackle, apparel, furniture and equipment and all stores, including bunker fuel, aboard each of the vessels of Netherlands registry now lying within the territorial jurisdiction

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*J. S.*

of the United States, possession of which was taken in accordance with the proclamation of the President of the United States promulgated March 20, 1918; and in every instance in which such possession has heretofore been taken of such tackle, apparel, furniture, equipment, and stores, such taking is hereby adopted and made of the same force and effect as if it had been made subsequent to the signing of this executive order.

The United States Shipping Board shall make to the owners of any tackle, apparel, furniture, equipment, and stores taken under the authority of this order full compensation in accordance with the principles of international law.

WOODROW WILSON.

THE WHITE HOUSE,  
*March 23, 1918.*

PROCLAMATION INCLUDING CERTAIN CITIZENS OR SUBJECTS OF GERMANY  
OR AUSTRIA-HUNGARY AS "ENEMIES" FOR PURPOSES OF TRADING  
WITH THE ENEMY ACT.

No. 1454. May 31, 1918

WHEREAS paragraph (c) of section two of the Act entitled "An Act to define, regulate, and punish trading with the enemy, and for other purposes," approved October 6, 1917, known as the Trading with the Enemy Act, provides that the word "enemy" as used therein shall be deemed to mean, for the purpose of such trading and of said Act, in addition to the individuals, partnerships, or other bodies of individuals or corporations specified in paragraph (a), and in addition to the government and political or municipal subdivisions, officers, officials, agents, or agencies thereof specified in paragraph (b), of said section two, the following:

Such other individuals, or body or class of individuals, as may be natives, citizens, or subjects of any nation with which the United States is at war, other than citizens of the United States, wherever resident or wherever doing business, as the President, if he shall find the safety of the United States or the successful prosecution of the war shall so require, may, by proclamation, include within the term "enemy";

Now, therefore, I, WOODROW WILSON, President of the United States of America, pursuant to the authority vested in me, and in accordance with the provisions of the said Act of October 6, 1917, known as the Trading with the Enemy Act, do hereby find that the

safety of the United States and the successful prosecution of the present war require that,

(1) Any woman, wherever resident outside of the United States, who is a citizen or subject of any nation with which the United States is at war and whose husband is either (a) an officer, official, or agent of the government of any nation with which the United States is at war, or (b) resident within the territory (including that occupied by the military or naval forces) of any nation with which the United States is at war, or (c) resident outside of the United States and doing business within such territory; and

(2) All citizens or subjects of any nation with which the United States is at war (other than citizens of the United States) who have been or shall hereafter be detained as prisoners of war, or who have been or shall hereafter be interned by any nation which is at war with any nation with which the United States is also at war; and

(3) Such other individuals or body or class of individuals as may be citizens or subjects of any nation with which the United States is at war (other than citizens of the United States) wherever resident outside of the United States, or wherever doing business outside of the United States, who since the beginning of the war have disseminated, or shall hereafter disseminate propaganda calculated to aid the cause of any such nation in such war, or to injure the cause of the United States in such war, or who since the beginning of the war have assisted or shall hereafter assist in plotting or intrigue against the United States, or against any nation which is at war with any nation which is at war also with the United States; and

(4) Such other individuals or body or class of individuals as may be citizens or subjects of any nation with which the United States is at war wherever resident outside of the United States, or wherever doing business outside of the United States, who are or may hereafter be included in a publication issued by the War Trade Board of the United States of America, entitled "Enemy Trading List"; and the term "body or class of individuals" as herein used shall include firms and copartnerships contained in said enemy trading list of which one or more of the members or partners shall be citizens or subjects of any nation with which the United States is at war; and

(5) Any citizen or subject of any nation with which the United States is at war wherever resident outside of the United States, who has been at any time since August 4, 1914, resident within the territory

(including that occupied by the military or naval forces) of any nation with which the United States is at war, shall all be included within the meaning of the word "enemy" for the purposes of the "Trading with the Enemy Act" and of such trading; and I do hereby proclaim to all whom it may concern that every such individual or body or class of individuals herein referred to shall be and hereby is included within the meaning of the word "enemy" and shall be deemed to constitute an "enemy" for said purposes.

And by virtue of further authority vested in me by said Act entitled "An Act to define, regulate, and punish trading with the enemy, and for other purposes," approved October 6, 1917, and known as the Trading with the Enemy Act, I hereby make the following order, rule and regulation.

I hereby require that, pursuant to the provisions of subsection (a) of section seven of said "Trading with the Enemy Act," every corporation incorporated within the United States, and every unincorporated association, or company, or trustee, or trustees within the United States, issuing shares or certificates representing beneficial interests, shall transmit to the Alien Property Custodian a full list of every officer, director, or stockholder known to be, or whom the representative of such corporation, association, company, or trustee may have reasonable cause to believe to be, included by the above proclamation within the term "enemy," together with a statement of the amount of stock or shares owned by each such officer, director, or stockholder, or in which he has any interest; and any person in the United States who holds or has or shall hold or have custody or control of money or other property, beneficial or otherwise, alone or jointly with others, of, for, by, on account of or on behalf of, or for the benefit of, and any person within the United States, who is or shall be indebted in any way to, any person included by the above proclamation within the term "enemy," or any person whom he may have reasonable cause to believe to be so included, shall report the fact to the Alien Property Custodian.

Such lists, statements, and reports shall be made and transmitted to the Alien Property Custodian, in such form and under such rules and regulations as he may prescribe within thirty days after the date of this order, or within thirty days after money or other property owing or belonging to or held for, by, on account of or on behalf of, or for the benefit of any such "enemy" shall come within the custody or control of the reporter, or within thirty days after any person shall

become an "enemy" by virtue of the terms of the above proclamation.

In Witness Whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE in the District of Columbia this 31st day of May, in the year of our Lord one thousand nine hundred and  
[SEAL.] eighteen, and of the independence of the United States the one hundred and forty-second.

WOODROW WILSON.

By the President:

ROBERT LANSING,  
*Secretary of State.*

## OFFICIAL DOCUMENTS

CONVENTION BETWEEN THE UNITED STATES AND GREAT BRITAIN RELATING  
TO THE SERVICE OF CITIZENS OF THE UNITED STATES IN GREAT  
BRITAIN AND OF BRITISH SUBJECTS IN THE UNITED STATES.<sup>1</sup>

*Signed at Washington, June 3, 1918; ratifications exchanged July  
30, 1918.*

The President of the United States of America and His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, being convinced that for the better prosecution of the present war it is desirable that citizens of the United States in Great Britain and British Subjects in the United States shall either return to their own country to perform military service in its army or shall serve in the army of the country in which they remain, have resolved to enter into a Convention to that end and have accordingly appointed as their Plenipotentiaries:

The President of the United States of America, Robert Lansing, Secretary of State of the United States; and

His Britannic Majesty, the Earl of Reading, Lord Chief Justice of England, High Commissioner and Ambassador Extraordinary and Plenipotentiary on Special Mission to the United States,

who, after having communicated to each other their respective full powers found to be in proper form, have agreed upon and concluded the following articles:—

### Article I.

All male citizens of the United States in Great Britain and all male British Subjects in the United States shall, unless before the time limited by this Convention they enlist or enroll in the forces of their own country or return to the United States or Great Britain respectively for the purpose of military service, be subject to military service and entitled to exemption or discharge therefrom under the laws and regulations from time to time in force of the country in which they are: *Provided* that in respect to British Subjects in the United States the ages for military service shall be for the time being twenty to forty-four years, both inclusive;

*Provided* however that no citizen of the United States in Great Britain and no British Subject in the United States who, before pro-

<sup>1</sup> U. S. Treaty Series, No. 633.



ceeding to Great Britain or the United States, respectively, was ordinarily resident in a place in the possessions of the United States or in His Majesty's Dominions respectively, where the law does not impose compulsory military service shall, by virtue of this Convention, be liable to military service under the laws and regulations of Great Britain or the United States, respectively;

*Provided* further that in the event of compulsory military service being applied to any part of His Majesty's Dominions in which military service at present is not compulsory, British Subjects who, before proceeding to the United States were ordinarily resident in such part of His Majesty's Dominions, shall thereupon be included within the terms of this Convention.

#### Article II.

Citizens of the United States and British Subjects within the age limits aforesaid who desire to enter the military service of their own country must, after making such application therefor as may be prescribed by the laws or regulations of the country in which they are, enlist or enroll or must leave Great Britain or the United States as the case may be for the purpose of military service in their own country before the expiration of sixty days after the date of the exchange of ratifications of this Convention, if liable to military service in the country in which they are at the said date; or if not so liable, then before the expiration of thirty days after the time when liability shall accrue; or as to those holding certificates of exemption under Article III of this Convention, before the expiration of thirty days after the date on which any such certificate becomes inoperative unless sooner renewed; or as to those who apply for certificates of exemption under Article III and whose applications are refused, then before the expiration of thirty days after the date of such refusal, unless the application be sooner granted.

#### Article III.

The Government of the United States and His Britannic Majesty's Government may through their respective Diplomatic Representatives issue certificates of exemption from military service to citizens of the United States in Great Britain and British Subjects in the United States respectively, upon application or otherwise, within sixty days from the date of the exchange of ratifications of this Convention, or within thirty days from the date when such citizens or subjects become liable to military service in accordance with Article I, provided that the applications be made or the certificates be granted prior to their entry into the military service of either country.

Such certificates may be special or general, temporary or condi-

tional, and may be modified, renewed, or revoked in the discretion of the Government granting them. Persons holding such certificates shall, so long as the certificates are in force, not be liable to military service in the country in which they are.

#### Article IV.

This Convention shall not apply to British Subjects in the United States (a) who were born or naturalized in Canada, and who, before proceeding to the United States, were ordinarily resident in Great Britain or Canada or in any other part of His Majesty's Dominions to which compulsory military service has been or may be hereafter by law applied, or outside the British Dominions; or (b) who were not born or naturalized in Canada, but who, before proceeding to the United States, were ordinarily resident in Canada.

#### Article V.

The Government of the United States and His Britannic Majesty's Government will, respectively, so far as possible, facilitate the return of British Subjects and citizens of the United States who may desire to return to their own country for military service, but shall not be responsible for providing transport or the cost of transport for such persons.

#### Article VI.

No citizen or subject of either country who, under the provisions of this Convention, enters the military service of the other, shall, by reason of such service, be considered, after this Convention shall have expired or after his discharge, to have lost his nationality or to be under any allegiance to His Britannic Majesty or to the United States as the case may be.

#### Article VII.

The present Convention shall be ratified by the President of the United States of America by and with the advice and consent of the Senate of the United States and by His Britannic Majesty, and the ratifications shall be exchanged at Washington or at London as soon as possible. It shall come into operation on the date on which the ratifications are exchanged, and shall remain in force until the expiration of sixty days after either of the contracting parties shall have given notice of termination to the other; whereupon any subject or citizen of either country incorporated into the military service of the other under this Convention shall be as soon as possible discharged therefrom.

In witness whereof the respective Plenipotentiaries have signed the present Convention and have affixed thereto their seals.

DONE in duplicate at Washington the third day of June, in the year of our Lord one thousand nine hundred and eighteen.

ROBERT LANSING. [SEAL.]  
READING. [SEAL.]

EXCHANGE OF NOTES RELATING TO ARTICLE I.

*The Ambassador of Great Britain on Special Mission to the  
Secretary of State*

BRITISH EMBASSY,  
Washington, June 3, 1918.

SIR:

With reference to the Military Service Convention between the United States and Great Britain signed today, I am instructed by His Majesty's Government to explain why the proviso to Article One does not limit the military service of citizens of the United States in Great Britain to those of the ages specified in the laws of the United States prescribing compulsory military service, as requested by the United States Government. The reason for the omission of this clause in the proviso is a desire to avoid the delay that would be involved in modifying the Military Service Acts 1916 to 1918, which control the operation of any convention of this character. I beg you, therefore, to be good enough not to press this proposal.

The effect of these Acts is to make United States citizens in Great Britain under this convention liable to military service between the ages of 18 and 49 both inclusive. The limitation of the ages of United States citizens in Great Britain for the purpose of military service to those prescribed in the laws of the United States relating to compulsory military service may, however, be attained without amendment of these Acts by exercise of the United States of its right of exemption under Article Three.

His Majesty's Government understand, therefore, that the United States Government will exercise their right under Article Three to exempt from compulsory military service in Great Britain all citizens of the United States in Great Britain, outside the ages specified in the laws of the United States prescribing compulsory military service.

I have the honor to be with the highest consideration, Sir,

Your most obedient, humble servant,

READING.

The Honorable ROBERT LANSING,  
*Secretary of State of the United States.*

*The Secretary of State to the Ambassador of Great Britain on  
Special Mission.*

DEPARTMENT OF STATE,  
Washington, June 3, 1918.

Excellency:

I have the honor to acknowledge the receipt of Your Excellency's note of this date in regard to the Military Service Convention between the United States and Great Britain signed today, in which you state that you are instructed to explain why the proviso to Article One does not limit the military service of citizens of the United States in Great Britain to those of the ages specified in the laws of the United States prescribing compulsory military service as requested by the United States Government. In explanation Your Excellency states as follows:

"The reason for the omission of this clause in the proviso is a desire to avoid the delay which would be involved in modifying the Military Service Acts 1916 to 1918, which control the operation of any convention of this character. I beg you therefore to be good enough not to press this proposal.

"The effect of these Acts is to make United States citizens in Great Britain under this convention liable to military service between the ages of 18 and 49 years, both inclusive. The limitation of the ages of United States citizens in Great Britain for the purposes of military service to those prescribed in the laws of the United States relating to compulsory military service, may, however, be attained without amendment of these Acts by the exercise by the United States of its right of exemption under Article Three."

Your Excellency adds that

"His Majesty's Government understand, therefore, that the United States Government will exercise its right under Article Three to exempt from compulsory military service in Great Britain all citizens of the United States in Great Britain, outside the ages specified in the laws of the United States prescribing compulsory military service."

In reply I have the honor to inform your Excellency that the Government of the United States is pleased to accept this explanation of said Article One and in lieu of a clause in this Article limiting the military service of citizens of the United States in Great Britain to those of the ages specified in the laws of the United States prescribing compulsory military service to exercise its right under Article Three to exempt from compulsory military service in Great Britain all citizens of the United States in Great Britain outside of the ages

specified in the laws of the United States prescribing compulsory military service.

I have the honor to be, with the highest consideration,

Your Excellency's most obedient servant,

ROBERT LANSING.

His Excellency

THE EARL OF READING,

*Ambassador of Great Britain*

*On Special Mission.*

CONVENTION BETWEEN THE UNITED STATES AND GREAT BRITAIN RELATING  
TO THE SERVICE OF CITIZENS OF THE UNITED STATES IN CANADA AND  
OF CANADIANS IN THE UNITED STATES.<sup>1</sup>

*Signed at Washington, June 3, 1918; ratifications exchanged  
July 30, 1918.*

The President of the United States of America and His Majesty the King of the United Kingdom of Great Britain and Ireland, and of the British Dominions Beyond the Seas, Emperor of India, being convinced that for the better prosecution of the present war it is desirable that citizens of the United States in Canada and Canadian British subjects in the United States shall either return to their own country to perform military service in its army or shall serve in the army of the country in which they remain, have resolved to enter into a Convention to that end and have accordingly appointed as their Plenipotentiaries:

The President of the United States of America, Robert Lansing, Secretary of State of the United States, and

His Britannic Majesty, The Earl of Reading, Lord Chief Justice of England, High Commissioner and Ambassador Extraordinary and Plenipotentiary on Special Mission to the United States,

who, after having communicated to each other their respective full powers found to be in proper form, have agreed upon and concluded the following Articles:

Article I.

All male citizens of the United States in Canada (hereinafter called Americans) and all male British subjects in the United States (a) who were born or naturalized in Canada, and who, before proceeding to the United States, were ordinarily resident in Great Britain or Canada or in any other part of His Majesty's Dominions to which compulsory military service has been or may be hereafter by law

<sup>1</sup> U. S. Treaty Series, No. 634.

applied, or outside the British Dominions; or (b) who were not born or naturalized in Canada, but who, before proceeding to the United States, were ordinarily resident in Canada (hereinafter called Canadians) shall, unless before the time limited by this Convention they enlist or enroll in the forces of their own country or return to the United States or Canada, respectively, for the purpose of military service, be subject to military service and entitled to exemption or discharge therefrom under the laws and regulations, from time to time in force, of the country in which they are: *Provided*, that in respect to Americans in Canada, the ages for military service shall be the ages specified in the laws of the United States prescribing compulsory military service, and in respect to Canadians in the United States the ages for military service shall be for the time being twenty to forty-four years, both inclusive.

#### Article II.

Americans and Canadians within the age limits aforesaid who desire to enter the military service of their own country must enlist or enroll, or must leave Canada or the United States, as the case may be, for the purpose of military service in their own country before the expiration of sixty days after the date of the exchange of ratifications of this Convention, if liable to military service in the country in which they are at the said date; or, if not so liable, then before the expiration of thirty days after the time when liability shall accrue; or, as to those holding certificates of exemption under Article III of this Convention, before the expiration of thirty days after the date on which any such certificate becomes inoperative unless sooner renewed; or as to those who apply for certificates of exemption under Article III, and whose applications are refused, then before the expiration of thirty days after the date of such refusal, unless the application be sooner granted.

#### Article III.

The Government of the United States, through the Consul General at Ottawa, and His Britannic Majesty's Government through the British Ambassador at Washington may issue certificates of exemption from military service to Americans and Canadians, respectively, upon application or otherwise, within sixty days from the date of the exchange of ratifications of this Convention or within thirty days from the date when such citizens or subjects become liable to military service in accordance with Article I, provided that the applications be made or the certificates be granted prior to their entry into the military service of either country. Such certificates may be special or general, temporary or conditional and may be modified, renewed,

or revoked in the discretion of the Government granting them. Persons holding such certificates shall, so long as the certificates are in force, not be liable to military service in the country in which they are.

#### Article IV.

The Government of the United States and the Government of Canada will, respectively, so far as possible facilitate the return of Canadians and Americans who may desire to return to their own country for military service, but shall not be responsible for providing transport or the cost of transport for such persons.

#### Article V.

No citizen or subject of either country who, under the provisions of this Convention, enters the military service of the other shall, by reason of such service be considered, after this Convention shall have expired or after his discharge, to have lost his nationality or to be under any allegiance to the United States or to His Britannic Majesty as the case may be.

#### Article VI.

The present Convention shall be ratified by the President of the United States of America by and with the advice and consent of the Senate of the United States and by His Britannic Majesty and the ratifications shall be exchanged at Washington or at London as soon as possible. It shall come into operation on the date on which the ratifications are exchanged and shall remain in force until the expiration of sixty days after either of the contracting parties shall have given notice of termination to the other; whereupon any citizen or subject of either country incorporated into the military service of the other under this Convention shall be as soon as possible discharged therefrom.

In witness whereof the respective Plenipotentiaries have signed the present Convention and have affixed thereto their seals.

DONE in duplicate at Washington the third day of June in the year of our Lord one thousand nine hundred and eighteen.

ROBERT LANSING. [SEAL.]  
READING. [SEAL.]

PROTOCOL BETWEEN THE UNITED STATES AND ITALY RELATIVE TO ITALO-AMERICAN RADIO SERVICE.<sup>1</sup>

*Signed at Washington, March 27, 1918.*

The undersigned, representatives of the Governments of the United States and Italy, met the 27th day of March, nineteen hundred and eighteen, at 11:30 a. m., at the State Department, Washington, D. C., and agreed upon the following articles:

Article I.

The Government of the United States and the Government of Italy, considering that there are no direct submarine cables connecting the two Countries, think it is most urgent to establish immediately a regular radio-service between the United States and Italy.

Article II.

The Government of the United States and the Government of Italy acquiesce in designating one American and one Italian wireless station of sufficient power to insure the radio communications between the two Countries. These stations will be determined upon and respectively notified by both parties in the agreement mentioned in Article VIII of this protocol.

Article III.

The radio line cannot be considered a duplicate of submarine cable route. Therefore, the Government of the United States and the Government of Italy, considering that there is no other direct system of communication between the two Countries, will insure transmission by priority over all other messages between the two Countries of their official urgent messages.

Article IV.

In principle radiograms regularly handled shall be limited in character to official, political, military, or naval urgent communications. This does not prevent the regular handling of official government press information.

<sup>1</sup> U. S. Treaty Series, No. 631-A.



## Article V.

This new transatlantic radio line is to be used also to insure communications with Italy in case the cable lines by way of France and England should prove to be insufficient.

## Article VI.

Official radiograms shall be in cipher; however radiograms conveying only official press information will be transmitted unciphered.

## Article VII.

The United States and Italian authorities who are authorized to employ radio communications are the following:

Authorities residing in Washington: The Department of State; the Department of War; the Department of the Navy; the Italian Embassy; the Italian Military Attaché; the Italian Naval Attaché; and the Director of Naval Communications.

Authorities residing in Rome: The Ministry of Foreign Affairs; the Ministry of War; the Ministry of Marine; the Ministry of Posts and Telegrams; the Embassy of the United States; the Military Attaché of the United States; and the Naval Attaché of the United States.

## Article VIII.

The technical and practical conditions under which the United States and Italy will employ this radio line will be determined in a further agreement between the communication services of the respective Governments. It is, of course, understood that systematic trials have to be made to perfect the various conditions, specially to determine the hours of service, in order to improve this important service.

[SEAL.]	ROBERT LANSING.
[SEAL.]	MACCHI DI CELLERE.

AN ACT TO AMEND SECTION FOUR THOUSAND AND SIXTY-SEVEN OF THE REVISED STATUTES BY EXTENDING ITS SCOPE TO INCLUDE WOMEN.<sup>1</sup>

*Approved, April 16, 1918.*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section four thousand and sixty-seven of the Revised Statutes be, and the same is hereby, amended so as to read as follows:*

<sup>1</sup> Public—No. 131—65th Congress.

"SEC. 4067. Whenever there is a declared war between the United States and any foreign nation or government, or any invasion or predatory incursion is perpetrated, attempted, or threatened against the territory of the United States by any foreign nation or government, and the President makes public proclamation of the event, all natives, citizens, denizens, or subjects of the hostile nation or government, being of the age of fourteen years and upward, who shall be within the United States and not actually naturalized, shall be liable to be apprehended, restrained, secured, and removed as alien enemies. The President is authorized, in any such event, by his proclamation thereof, or other public act, to direct the conduct to be observed, on the part of the United States, toward the aliens who become so liable; the manner and degree of the restraint to which they shall be subject and in what cases, and upon what security their residence shall be permitted, and to provide for the removal of those who, not being permitted to reside within the United States, refuse or neglect to depart therefrom; and to establish any other regulations which are found necessary in the premises and for the public safety."

PROCLAMATION EXTENDING REGULATIONS PRESCRIBING THE CONDUCT OF  
ALIEN ENEMIES TO WOMEN.<sup>1</sup>

*April 19, 1918.*

WHEREAS, by Act of Congress, approved the sixteenth day of April, one thousand nine hundred and eighteen, entitled "An Act to amend section four thousand and sixty-seven of the Revised Statutes by extending its scope to include women", the said section four thousand and sixty-seven of the Revised Statutes is amended to read as follows:

Whenever there is a declared war between the United States and any foreign nation or government, or any invasion or predatory incursion is perpetrated, attempted, or threatened against the territory of the United States by any foreign nation or government, and the President makes public proclamation of the event, all natives, citizens, denizens, or subjects of the hostile nation or government, being of the age of fourteen years and upwards, who shall be within the United States, and not actually naturalized, shall be liable to be apprehended, restrained, secured, and removed, as alien enemies. The President is authorized, in any such event, by his proclamation thereof, or other public act, to direct the conduct to be observed, on the part of the United States, toward the aliens who become so liable; the manner and degree of the restraint to which they shall be subject, and in what cases, and upon what security their residence shall be permitted, and to provide for the removal of those who, not being permitted to reside within the United States, refuse or neglect to depart therefrom; and to establish any other regulations which are found necessary in the premises and for the public safety;

<sup>1</sup> No. 1443.

WHEREAS, by sections four thousand and sixty-eight, four thousand and sixty-nine, and four thousand and seventy, of the Revised Statutes, further provision is made relative to alien enemies;

AND WHEREAS a state of war has heretofore been declared and proclaimed to exist between the United States and the Imperial German Government and between the United States and the Imperial and Royal Austro-Hungarian Government;

NOW, THEREFORE, I, WOODROW WILSON, President of the United States of America, acting under and by virtue of the authority vested in me by the Constitution of the United States and the said sections of the Revised Statutes, do hereby further proclaim and direct that the conduct to be observed on the part of the United States towards all natives, citizens, denizens, or subjects of Germany or Austria-Hungary of the age of fourteen years and upwards, who shall be within the United States and not actually naturalized, shall be as follows:

All such natives, citizens, denizens or subjects of Germany or Austria-Hungary are enjoined to preserve the peace towards the United States and to refrain from crime against the public safety, and from violating the laws of the United States and of the States and Territories thereof, and to refrain from actual hostility or giving information, aid or comfort to the enemies of the United States, and to comply strictly with the regulations which are hereby or which have been or may be from time to time promulgated by the President; and so long as they shall conduct themselves in accordance with law, they shall be undisturbed in the peaceful pursuit of their lives and occupations and be accorded the consideration due to all peaceful and law-abiding persons, except so far as restrictions may be necessary for their own protection and for the safety of the United States; and towards such of said persons as conduct themselves in accordance with law, all citizens of the United States are enjoined to preserve the peace and to treat them with all such friendliness as may be compatible with loyalty and allegiance to the United States.

And all of such natives, citizens, denizens or subjects of Germany or Austria-Hungary who fail to conduct themselves as so enjoined, in addition to all other penalties prescribed by law, shall be liable to restraint, or to give security, or to remove and depart from the United States in the manner prescribed by sections four thousand and sixty-nine and four thousand and seventy of the Revised Statutes, and as prescribed in the regulations duly promulgated by the President;

And pursuant to the authority vested in me, I hereby declare and proclaim, as necessary in the premises and for the public safety, that Regulations 1 to 12 inclusive in the Proclamation issued by me under date of April 6th, 1917, and Regulations 13 to 20 inclusive in the Proclamation issued by me under date of November 16th, 1917 shall be and they hereby are extended to and declared applicable to all

natives, citizens, denizens or subjects of Germany, being females of the age of fourteen years and upwards, who shall be within the United States and not actually naturalized; provided, that this extension of Regulation 4 of the Proclamation issued by me under date of April 6th, 1917 shall not become effective until such time as may be fixed and declared by the Attorney General of the United States.

And pursuant to the authority vested in me, I hereby declare and proclaim, as necessary in the premises and for the public safety, that Regulations 1 to 3 inclusive in the Proclamation issued by me under date of December 11th, 1917 shall be and they are hereby extended to and declared applicable to all natives, citizens, denizens or subjects of Austria-Hungary, being females of the age of fourteen years and upwards, who shall be within the United States and not actually naturalized.

This Proclamation and the Regulations herein contained shall extend and apply to all land and water, continental or insular, in any way within the jurisdiction of the United States.

In Witness Whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE in the District of Columbia, this nineteenth day of April, in the year of our Lord one thousand nine hundred and [SEAL] eighteen, and of the independence of the United States the one hundred and forty-second.

WOODROW WILSON.

By the President:

FRANK L. POLK

*Acting Secretary of State.*

EXECUTIVE ORDER AUTHORIZING PAYMENT OF MONEY OR TRANSFER OF PROPERTY TO ALIEN PROPERTY CUSTODIAN.<sup>1</sup>

*February 5, 1918.*

By virtue of the authority vested in me by an Act to define, regulate, and punish trading with the enemy, approved October 6, 1917, known as the Trading with the Enemy Act,<sup>2</sup> I hereby make the following orders, rules and regulations:

1. Paragraph XXX of the Executive Order dated October 12, 1917,<sup>3</sup> and made by me pursuant to said Act of Congress, is hereby revoked; and in place thereof it is hereby ordered:

XXX. Any person not an enemy, or ally of enemy, who owes to, or holds for or on account of, or on behalf of, or for the benefit of, an enemy or an ally of enemy, not holding a license granted by or in

<sup>1</sup> No. 2801.

<sup>2</sup> This SUPPLEMENT, January, 1918, pp. 27 and 51.

the exercise of the power and authority of the President under the provisions of said Trading with the Enemy Act any money or other property, or to whom any obligation or form of liability to such enemy, or ally of enemy, is presented for payment, may, having first obtained the consent of the Alien Property Custodian, pay, convey, transfer, assign, or deliver, to or upon the order of the Alien Property Custodian, said money or other property, with like effect as if such payment, conveyance, transfer, assignment or delivery were made in obedience to requirement pursuant to the provisions of Section 7, subsection (c), of said Trading with the Enemy Act.

2. Paragraph XXXI of said Executive Order dated October 12, 1917, is hereby revoked; and in place thereof it is hereby ordered:

XXXI. I hereby vest in the Alien Property Custodian the executive administration of all provisions of Section 8 (a) and Section 8 (b) of the Trading with the Enemy Act, including the power, authority and duty conferred or imposed upon the President by the provisions of said Section 8 (a), and the notice therein required to be given to the President shall be given to the Alien Property Custodian.

WOODROW WILSON.

THE WHITE HOUSE,  
5 February, 1918.

EXECUTIVE ORDER PRESCRIBING RULES AND REGULATIONS RESPECTING THE EXERCISE OF THE POWERS AND AUTHORITY AND THE PERFORMANCE OF THE DUTIES OF THE ALIEN PROPERTY CUSTODIAN UNDER THE "TRADING WITH THE ENEMY ACT" AND PRIOR EXECUTIVE ORDERS PURSUANT THERETO, AND RESPECTING THE DEPOSIT AND INVESTMENT OF MONIES RECEIVED BY OR FOR THE ACCOUNT OF THE ALIEN PROPERTY CUSTODIAN.<sup>1</sup>

February 26, 1918.

By virtue of the authority vested in me by "An Act to define, regulate, and punish trading with the enemy, and for other purposes," approved October 6, 1917, known as the "Trading with the Enemy Act,"<sup>2</sup> I hereby make the following orders, rules and regulations.

(1) *Definitions.*

(a) The word "person," as used herein, shall be deemed to mean an individual, partnership, association, company, or other unincorporated body of individuals, or corporation or body politic.

(b) The word "enemy," as used herein (including subsequent definitions) shall be deemed to mean either an "enemy" or "ally of enemy," as the case may be.

<sup>1</sup> No. 2813.

<sup>2</sup> This SUPPLEMENT, January, 1918, p. 27.

(c) The words "right," "title," "interest," "estate," "power," and "authority" of the enemy, as used herein, shall be deemed to mean respectively such right, title, interest, estate, power, and authority of the enemy as may actually exist and also such as might or would exist if the existing state of war had not occurred, and shall be deemed to include respectively the right, title, interest, estate, power and authority in law or equity or otherwise of any representative of or trustee for the enemy or other person claiming under or in the right of, or for the benefit of, the enemy.

(d) Any requirement made by the Alien Property Custodian pursuant to Section 7, subsection "c" of the "Trading with the Enemy Act" may be known as and called a demand and will be hereinafter referred to as a demand.

*(2) Demands Pursuant to Section 7, Subsection "c."*

(a) The Alien Property Custodian may make demand for the conveyance, transfer, assignment, delivery, and payment of any money or other property owing or belonging to or held for, by, on account of, or on behalf of or for the benefit of an enemy not holding a license granted by me or in the exercise of my power and authority, which the Alien Property Custodian after investigation, shall determine is so owing or so belongs or is so held, together with every right, title, interest, and estate of the enemy in and to such money or other property and every power and authority of the enemy thereover, including (but without limiting the generality of the foregoing) the power and authority to affirm, ratify, approve, revoke, repudiate or disapprove, in whole or in part, and at any time or times, any power, agency, trust or other relation at the time existing, and also any act or omission theretofore done in the exercise of or pursuant to any power, agency, trust or other relation which the enemy could or might lawfully revoke, repudiate, disaffirm, affirm, ratify or approve, and also including (but without limiting the generality of the foregoing) the power and authority to direct, supervise, and control the future exercise of any power, agency, trust or other relation over such money or other property to the extent that the enemy could or might lawfully direct, supervise, and control the same. Or the Alien Property Custodian may qualify or limit any such demand in such manner and to such extent as he may in any case see fit and (without limiting the generality of the power to qualify and limit demands) he may in any case demand all or only such power and authority over the money or other property as he may see fit without demanding any conveyance, transfer, assignment, delivery or payment of such money or other property or any other right, title, interest, or estate therein or thereto except such as may be included within the power and authority demanded in the particular case over such money or other property.

A demand for the conveyance, transfer, assignment, delivery and payment of money or other property unless expressly qualified or limited shall be deemed to include every right, title, interest, and estate of the enemy in and to the money or other property demanded as well as every power and authority of the enemy thereover.

(b) Notice of any demand made by the Alien Property Custodian may be given to any person who, alone or jointly with others, may hold or have the custody or control of or may be exercising any right, power, or authority in or over or may be performing any duty concerning the money or other property mentioned in the demand; and, in any notice given, the Alien Property Custodian may require of the person notified the performance of any act or thing within the power of the person notified which may be necessary or proper to make the demand fully effective, or to establish proper acknowledgment, recognition, or evidence of the right, title, interest, and estate of the Alien Property Custodian in and to such money or other property and of the power and authority of the Alien Property Custodian thereover, and it shall be the duty of any person so notified to perform any act or thing so required. Such notice may be given in person or by mail.

(c) When demand shall be made and notice thereof given, as hereinbefore provided, such demand and notice shall forthwith vest in the Alien Property Custodian such right, title, interest, and estate in and to and possession of the money or other property demanded and such power or authority thereover as may be included within the demand, and the Alien Property Custodian may thereupon proceed to administer such money and other property in accordance with the provisions of the "Trading with the Enemy Act" and with any orders, rules, or regulations heretofore, hereby, or hereafter made by me or heretofore or hereafter made by the Alien Property Custodian.

### (3) *Powers of Administration.*

(a) The Alien Property Custodian may appoint and clothe with necessary power and authority such agents, bailees, and attorneys in fact as he may find to be necessary or proper to carry out the provisions of the "Trading with the Enemy Act" and the Executive orders, rules, and regulations heretofore, hereby, or hereafter made, and prescribe the duties and fix the compensation of such agents, bailees, and attorneys in fact; and any depository designated by the Alien Property Custodian may be appointed as such agent, bailee or attorney in fact. And the Alien Property Custodian may require bonds of such agents, bailees and attorneys in fact and fix the penalty and conditions thereof.

(b) The Alien Property Custodian may pay all reasonable and proper expenses which may be incurred in or about securing posses-

sion or control of money or other property and in or about collecting dividends, interest and other income therefrom, and in otherwise protecting and administering the same. So far as may be, all such expenses shall be paid out of, and in any event recorded as a charge against, the estate to which such money or other property belongs.

(c) The Alien Property Custodian may authorize depositaries designated by him and agents, bailees, and attorneys in fact appointed by him to deduct all expenses authorized or approved by the Alien Property Custodian, including the compensation of such depositaries, agents, bailees, and attorneys in fact, from any moneys collected by them and the payment by them to the Alien Property Custodian or into the Treasury of the United States of the net amount remaining in their hands.

(d) The Alien Property Custodian may exercise any right, power, or authority of the enemy in, to and over corporate stock, shares or certificates representing beneficial interests owing or belonging to or held for, by, on account of, or on behalf of or for the benefit of an enemy, including (1) the right to receive all notices issued by the corporation, unincorporated association, company or trustee which issued such stock, shares or certificates, to the holders or owners of similar stock, shares or certificates, (2) the right to exercise all voting power appertaining to such stock, shares or certificates, and (3) the right to receive all subscription rights, dividends and other distributions and payments, whether of capital or income, declared or made on account of such stock, shares or certificates, regardless of whether or not such stock, shares or certificates be in the possession of the Alien Property Custodian and regardless of whether or not such stock, shares or certificates have been transferred to the Alien Property Custodian upon the books of the corporation, association, company or trustee issuing the same.

The Alien Property Custodian may nominate persons who may, when duly elected or appointed, serve as directors, officers or employees of any corporation whose corporate stock or shares, in whole or in part, are owing or belonging to, or are held for, by, on account of, or on behalf of or for the benefit of an enemy.

The Alien Property Custodian may demand the transfer of corporate stock, shares or certificates representing beneficial interests to be made upon the books of any corporation, unincorporated association, company or trustee, issuing the same, into the name of the Alien Property Custodian or into the name of any depositary designated by the Alien Property Custodian for the account of the Alien Property Custodian, or, in the case of corporate stock or shares, into the name of any other person for the purpose of qualifying such person to serve as a director of the corporation issuing such corporate stock or shares; and it shall be the duty of any corporation, unincorporated association, company, or trustee to comply with such



demand when accompanied by the presentation of the certificates which represent such corporate stock, shares or beneficial interests. Provided that corporate stock or shares transferred into the name of any other person than the Alien Property Custodian or a designated depository shall be indorsed by such person in blank and delivered to and held by the Alien Property Custodian or by a duly designated depository.

(e) In respect of moneys, accounts payable, credits, notes or other obligations owing or belonging to or held for, by, on account of, or on behalf of or for the benefit of an enemy, whether the payment or delivery or the mere transfer and assignment thereof be demanded, the Alien Property Custodian may exercise discretion in enforcing payment, granting indulgence, making extension or accepting security, and in exercising any other right, power or authority of the enemy.

(f) The Alien Property Custodian may sell and deliver any commodity or other tangible property which may be perishable or which may in the preservation thereof involve expense. And the Alien Property Custodian may sell and deliver any rights appurtenant to the ownership of corporate stock, shares or certificates of beneficial interests in cases where such rights would lapse unless exercised within a limited time. The Alien Property Custodian may manage, conduct, and operate any business belonging to or held for, by, on account of, or on behalf of or for the benefit of an enemy in cases where the continuation of such business may seem to be necessary to prevent waste or to protect such business. And the Alien Property Custodian may sell or otherwise dispose of such business or any part thereof, or the assets or any part thereof, whenever such sale shall seem to be necessary to prevent waste or to protect such business. And in the management, operation, conduct, sale or other disposition of such business the Alien Property Custodian may exercise every right, power and authority of the enemy.

(g) In cases of liquidation of an estate belonging to a partnership, association or unincorporated company in which an enemy may have an interest, the Alien Property Custodian may exercise every right, power, and authority of the enemy, including the right, power, and authority to sell the interest of the enemy in the event such sale seems necessary to prevent waste or to protect such interest.

(h) All sales made by the Alien Property Custodian may be conducted privately or publicly, with or without advertisement, and on such terms and conditions as to the Alien Property Custodian may seem proper.

In all cases of sales made by the Alien Property Custodian, all reasonable expenses incurred in and about such sales shall be deducted from the proceeds and the net amount remaining paid into the Treasury of the United States.

(i) The Alien Property Custodian is authorized to exercise any power conferred upon him by any license issued by me or in the exercise of the power and authority conferred upon me under the "Trading with the enemy Act" wherever such license involves any act or thing concerning any money or other property owing or belonging to or held for, by, on account of, or on behalf of or for the benefit of an enemy.

*(4) Statutory Powers of the Alien Property Custodian.*

Nothing herein contained is intended, nor shall anything herein contained be construed, to limit the powers conferred upon the Alien Property Custodian by the "Trading with the enemy Act."

*(5) Deposit and Investment of Moneys Received by the Alien Property Custodian.*

There shall be deposited in the Treasury of the United States, through the office of the Secretary of the Treasury—

(a) Any and all moneys (including checks and drafts payable on demand) paid to or received by the Alien Property Custodian pursuant to the "Trading with the enemy Act";

(b) Any and all moneys (including checks and drafts payable on demand) collected or received by the Alien Property Custodian, as dividends or interest or income that may become due upon any stocks, bonds, notes, time drafts, time bills of exchange, or other securities or property held by the Alien Property Custodian or by any depository or depositaries designated as provided in said Act for the account of the Alien Property Custodian.

(c) Any and all moneys collected as the proceeds of any and all maturing obligations held by the Alien Property Custodian or by any such depository or depositaries for the account of the Alien Property Custodian; and

(d) Any and all moneys paid to or received by the Alien Property Custodian as the proceeds of any sale or sales, made at any time pursuant to such rules and regulations as the President shall prescribe, of any and all property or rights which shall come into the possession of the Alien Property Custodian in pursuance of the provisions of said Act;

Provided, however, that the Alien Property Custodian may fix stated periods, not longer than quarter-yearly, for accounting by depositaries, agents, bailees, and attorneys in fact of all moneys received by them, and for the payment thereof by such depositaries, agents, bailees, and attorneys in fact to the Alien Property Custodian, who shall forthwith pay the same into the Treasury of the United States, as provided above, and that checks and drafts payable on

demand received by designated depositaries in payment of dividends, interest and income from property held by or for the account of the Alien Property Custodian may be collected by such depositaries for the account of the Alien Property Custodian, but that all other checks and drafts payable on demand shall be forthwith deposited by the Alien Property Custodian in the Treasury of the United States, as provided above.

Any and all moneys so deposited in the Treasury of the United States, as herein provided, as well as all moneys, if any, which may be paid to the Treasurer of the United States, as provided in Section 12 of said Act, and all interest, dividends or other income, if any, in respect of any property conveyed, transferred, assigned or delivered to the Treasurer of the United States, as provided in said Section 12, shall be credited by the Treasurer of the United States to the Secretary of the Treasury "for account of the Alien Property Custodian."

Any and all moneys so deposited in the Treasury of the United States, as herein provided, together with any interest or income received from the investment thereof, shall be subject to withdrawal by the Secretary of the Treasury for the purpose of making any payment or payments pursuant to the provisions of said Act, and, until so withdrawn, may be invested and reinvested, from time to time, by the Secretary of the Treasury in United States bonds or United States certificates of indebtedness. The bonds and certificates of indebtedness, in which such moneys shall be so invested, shall be held by the Secretary of the Treasury for account of the Alien Property Custodian, subject to the provisions hereof and of said Act and to such further orders, rules or regulations as may, from time to time, be prescribed by me.

(6) *Amendments and Modifications of Prior Executive Orders.*

All other Executive orders heretofore made are hereby amended and modified to such extent as may be necessary to conform with the provisions hereof.

WOODROW WILSON.

THE WHITE HOUSE,  
26 February, 1918.

EXECUTIVE ORDER PRESCRIBING ADDITIONAL RULES AND REGULATIONS,  
AND MAKING CERTAIN DETERMINATIONS RESPECTING THE EXERCISE  
OF THE POWERS AND AUTHORITY AND THE PERFORMANCE OF THE  
DUTIES OF THE ALIEN PROPERTY CUSTODIAN.<sup>1</sup>

July 16, 1918.

By virtue of the authority vested in me by "An Act to define, regulate, and punish trading with the enemy, and for other purposes," approved October 6, 1917, known as the "Trading With the Enemy Act,"<sup>2</sup> as amended by "An Act making appropriations to supply urgent deficiencies in appropriations for the fiscal year ending June thirtieth, nineteen hundred and eighteen, and prior fiscal years, on account of war expenses and for other purposes," approved March 28, 1918,<sup>3</sup> I hereby make the following orders, rules and regulations, and determinations.

*Definitions.*

1. The word "person," as used herein, shall be deemed to mean an individual, partnership, association, company, or other unincorporated body of individuals, or corporation or body politic.

2. The word "enemy," as used herein, shall be deemed to mean either an "enemy" or "ally of enemy," as the case may be.

*Powers of Management and Administration, Including Sale or Other Disposition.*

The Alien Property Custodian shall have power, and he is authorized and directed, to hold, manage, administer, protect, preserve, control and sell or otherwise dispose of, in accordance with the following rules and regulations, any and all property other than money which has been or shall be conveyed, transferred, assigned, delivered, and/or paid over to him pursuant to the provisions of the Trading With the Enemy Act as amended and the Executive proclamations and orders issued pursuant thereto, or which has been or shall be required so to be conveyed, transferred, assigned, delivered and/or paid over to him.

1. The Alien Property Custodian shall have the power and authority to do any and all things reasonable and proper in or about the custody, management, administration, protection, preservation and control of any such property according to the nature and character of the property and the attendant circumstances, including

<sup>1</sup> No. 2916.

<sup>2</sup> This SUPPLEMENT, January, 1918, p. 27.

<sup>3</sup> *Infra*, p. 292.

(but without limiting the generality of the foregoing) the power and authority to collect all bills, notes, accounts, dividends, interest, rents, royalties, annuities and other receivables, and income and profits and accumulations and distributions of principal or income; to pay all rents, royalties, interest and other accounts and liens or charges; to make repairs, additions and alterations to property, whether real or personal; to rent, lease or otherwise grant the use or right to use or occupy property of any kind; to insure property against loss, and to cancel or surrender insurance policies and collect return premiums and surrender values, and to do any other act or thing with respect to insurance or insurance policies; to grant by lease, license or otherwise, the right to use or other rights under or in respect of patents, copyrights, trade marks, trade secrets and other similar rights; to vote in person or by proxy shares of stock or other beneficial interest in corporations, unincorporated associations, companies or trusts upon any questions at all times and upon all matters upon which any owner of such stock or other beneficial interest shall have the right to vote, including the power and authority to vote for or against and to take part in any sale, dissolution, consolidation, amalgamation or reorganization of any sort, of any such corporation, unincorporated association, company or trust, or of its assets of any part thereof, and to exercise any rights or privileges that may be or become appurtenant to the ownership of such stock or other beneficial interest with like force and effect and under like circumstances in all respects as though the absolute owner thereof; to give any notices and file any papers or writings of any kind, proper or necessary for the creation, perfection, protection, liquidation or otherwise in respect of any claims, demands, choses-in-action or other rights of any kind, and to settle, compromise and adjust claims, demands and choses-in-action; to intervene in any suit or proceeding and to file and maintain claims, demands and suits of all kinds in or before, any court, board, commission or other body; to determine and pay all reasonable and proper expenses incurred in or about or with respect of the exercise of any of the powers and authority vested in the Alien Property Custodian or any depositary for him, including expenses that may be incurred in or about securing possession, custody or control of any such property, and including also taxes and other charges heretofore or hereafter lawfully assessed upon or against such property by any body politic; provided that this shall not be construed to require the payment of any stamp or other taxes upon or on account of conveyance, transfer, assignment or delivery of property to the Alien Property Custodian or to any agent, attorney, bailee, nominee or depositary for him; and provided further that this shall not in any way affect the power of the Commissioner of Internal Revenue or any regulations made by him or under his authority.

2. Whenever any such money or other property or any part or parcel thereof is or shall be subject to any claim of lien, charge or incumbrance, or is or shall be held or retained adversely to the Alien Property Custodian, or to any requirement with respect to such money or other property made by him, the Alien Property Custodian may compromise or settle such controversy and pay any such claim in any way that he shall decide to be proper and as though he were the absolute owner of the money or other property involved; and he shall have the power and authority to make any payment or payments necessary and to execute and deliver any instruments or writings necessary and proper to effect or evidence the same.

3. Whenever any such property or any part or parcel thereof shall be used or employed in the conduct or other operation of a mine, plant, factory, railroad or other transportation facility, warehouse, mercantile or trading establishment or any sort of a going business or undertaking, the Alien Property Custodian, in addition to the rights, powers and authority elsewhere herein conferred upon him, in respect of the property so used or employed, may continue the conduct or other operation of such business or undertaking; and for such purpose he shall have the right, power and authority to employ and discharge agents, attorneys, servants and other employees; to buy and sell supplies, materials and commodities required or necessary for the conduct of such business, or dealt in or handled thereby, or mined, produced, manufactured or created by it; to take out insurance; to require money owing by banks, trust companies or other depositaries on special or general deposit to be paid to him or upon his order; to collect debts and other receivables owing to the said business or undertaking or to the former enemy owner or owners thereof and created out of or by the operation of such business or undertaking, and also debts, accounts and other receivables accruing or arising out of the conduct or other operation of such business or undertaking, by the Alien Property Custodian or under his direction or authority; to pay the wages and salaries of agents, attorneys, servants and other employees, and rents, royalties, and other current accounts and liabilities; to intervene in any suit or action pending in any court or before any board, commission or other body, in which such business or undertaking or any of the property or assets thereof shall be involved or concerned and to prosecute or defend, as the case may be; to file, prosecute and maintain in the name of the Alien Property Custodian or otherwise as may be proper, any claim or suit arising out of or based upon transactions had prior or subsequent to the time when such property was conveyed, transferred, assigned, delivered and/or paid over to the Alien Property Custodian or was required so to be, but growing out of the conduct or operation of such business or undertaking or any other use, custody, control or management of any property or

assets thereof; and generally to manage, administer, preserve, conduct, operate and control such business or undertaking and any or all parts or parcels and assets thereof as though the absolute owner, either in the name of the Alien Property Custodian or otherwise as he shall determine.

4. The Alien Property Custodian may appoint agents, attorneys, bailees, depositaries and/or managers who, under his direction and control and within the limits of the authority conferred by him, shall be authorized and directed to hold, manage, administer, protect, preserve and otherwise control property conveyed, transferred, assigned, delivered or paid over to him or required so to be, or any part or parcel thereof; and they may be authorized and directed to continue the conduct or other operation of any going business or other undertaking which the Alien Property Custodian himself, as provided elsewhere herein, could continue. Such agents, attorneys, bailees, depositaries and managers shall have and exercise the rights, powers and authority which shall be from time to time conferred upon him or them by the Alien Property Custodian; and such rights, powers and authority may be enlarged, restricted or revoked by the Alien Property Custodian at any time and without giving any notice or reason therefor; and the remuneration of all such agents, attorneys, bailees, depositaries and managers shall be fixed by the Alien Property Custodian and may be increased or reduced at any time.

5. The Alien Property Custodian shall have full power and discretion with respect to property to be sold, and may sell any property or properties as an entirety or in such groups or parcels and at such time or times as he shall determine, and without reference to the previous enemy or ally of enemy ownership thereof. Whenever any such property shall be used or employed in the conduct or other operation of any mine, plant, factory, railroad or other transportation facility, mercantile establishment or any sort of going business or undertaking, the Alien Property Custodian may sell such property as a going business or undertaking and may include not only the tangible property but any and all patents, trade marks, trade names, good will and other intangible rights and assets; and any number of such going businesses or undertakings may be sold together as above specified.

6. Whereas said Trading With the Enemy Act as amended provides that "any property sold, except when sold to the United States, shall be sold only to American citizens at public sale to the highest bidder, after public advertisement of the time and place of sale, which shall be where the property or a major portion thereof is situated, unless the President, stating the reasons therefor in the public interest, shall otherwise determine",

Now therefore I do thus determine otherwise as follows:

(a) Shares of stock or other beneficial interest in a corporation,

unincorporated association, company or trust, and claims, receivables and intangibles of all kinds may be advertised and sold wherever the Alien Property Custodian shall determine; and it shall be immaterial whether such shares of stock or other beneficial interest and such claims, receivables and intangibles be represented or evidenced by certificates or instruments or writings of any kind, and whether the Alien Property Custodian shall or shall not have possession or control thereof in the event that the same shall be thus represented or evidenced.

(b) Any corporation incorporated within and under the authority of the laws of any state or territory of the United States or of any of its insular possessions shall be allowed to bid at any sale of any such property, but the Alien Property Custodian shall have the right to exclude from bidding at any such sale and/or from purchasing or otherwise acquiring property from him directly or indirectly, any corporation which he shall after investigation determine to be controlled, managed or operated wholly or mainly by or for the account or benefit of a person or persons not a citizen or citizens of the United States or of its insular possessions.

(c) The Alien Property Custodian, upon order of the President stating the reasons therefor, shall have the right to reject all bids for any property thus sold and to resell such property at public sale or otherwise as the President may direct; but the Alien Property Custodian may at or before any sale, by public announcement or by publication, fix a period after the expiration of which the right thus to reject all bids and to resell such property will not be exercised.

My reasons for the foregoing determinations in the public interest are:

(a) That such sales may be made at the place of favorable demand and under the best circumstances to secure the market price therefor.

(b) That bidders able to purchase and pay for the properties to be sold may be secured.

(c) That the powers of sale given to the Alien Property Custodian may be effectively exercised by him.

7. Any property sold by the Alien Property Custodian either at public or private sale may be sold for cash or upon credit; and in the latter event such security for the payment of that portion of the purchase price remaining unpaid may be taken as he shall deem proper in the premises. He shall be authorized to set a minimum or upset price upon any property offered for sale by him; to fix and prescribe the terms and conditions upon which bids will be received; to determine generally and specially qualifications to be met by persons offering to bid; to require deposits from prospective bidders; to determine generally or specially the nature and extent of information concerning any property or properties offered or to be offered



for sale which shall be given prospective bidders, and the inspection thereof which shall be allowed; to have made auditor's reports and appraisals of property or properties offered or to be offered for sale; and to make and establish general and special terms and conditions to govern any and all sales to be made by him. Any property or properties thus sold may be sold subject to or free from any or all debts, claims, obligations and liabilities of all kinds created or arising out of or in respect of, any such property or properties or the conduct or other operation of any such business or other undertaking by the Alien Property Custodian or otherwise; and subject to or free from liens, charges or incumbrances; and payment of such debts, claims, obligations, liabilities and liens, charges and incumbrances, and of all expenses of such sale or sales may be made out of the proceeds from such sale or sales, or may be required to be made or assumed by the purchaser, as the Alien Property Custodian shall determine.

8. All costs and expenses incurred by reason of or in respect of, and all claims and demands of every kind, character and description based upon or arising out of, the custody, management, administration, protection, preservation and control of any such property and the conduct or other operation of any such going business or other undertaking and the sale or other disposition of any such property, shall be limited to and paid or satisfied out of only the property or business or undertaking involved and out of which, on account of which, or in respect of which such cost, expenses, claim or demand shall have been incurred and shall have arisen or been created; provided that whenever such property or the income therefrom or the assets of any such going business or other undertaking shall be insufficient therefor, such cost, expenses, claim or demand shall be charged thereto, but may be paid or satisfied out of money or other property received from, or as the property of, the same enemy. Neither the Alien Property Custodian nor any agent, attorney, bailee, manager or depositary appointed by him shall be liable personally to any one for or on account of anything done or omitted in respect of, or for any debt or other obligation of any kind or character owing, created or growing out of or in any other way arising from, any such property or the custody, management, administration, protection, preservation, control and/or sale or other disposition thereof, and/or from the conduct or other operation of any going business or undertaking; except in the event of intentional injury or fraudulent misconduct by the person attempted to be charged with liability.

9. The Alien Property Custodian and agents, attorneys, bailees, managers and depositaries for him, within the limits of the authority granted by him, shall have power and authority to do any and all things reasonable or proper in or about or in respect of the exercise of any of the powers and authority specifically granted above; and

in addition are authorized and directed hereby to manage all such property and to do any act or things in respect thereof or make any disposition thereof or any part thereof by sale or otherwise and exercise any rights or powers which may be or become appurtenant thereto or to the ownership thereof, in like manner as though the Alien Property Custodian were the absolute owner thereof, subject to no limitations or restrictions other than those specifically set forth herein or in said "Trading With the Enemy Act," as amended or any prior Executive orders issued pursuant thereto not in conflict herewith.

*Power to Issue Requirements Not Inconsistent with Licenses Granted Under the Authority of the President.*

1. Whenever the Alien Property Custodian shall after investigation determine that any money or other property, including any going business or other undertaking, which is being held, managed, used or employed under a license granted by the President, or in the exercise of the power and authority conferred upon the President by said Trading With the Enemy Act as amended, is owing or belonging to or held for, by, on account of, on behalf of, or for the benefit of an enemy or ally of enemy, and such license provides as one of its terms or conditions that such property shall, upon demand or requirement of the Alien Property Custodian, be conveyed, transferred, assigned, delivered, and/or paid over to him, the Alien Property Custodian may, without the revocation of such license, require that said money or other property or any part or parcel thereof be conveyed, transferred, assigned, delivered or paid over to him; subject, however, to the continued exercise of such license, but under his supervision or under such other supervision as he may prescribe, and for such period of time or until the happening of such event as he shall prescribe. Whenever such money or property or any part thereof, at the time such requirement is made, shall be used or employed in or about the conduct or management of any mine, plant, factory, railroad or other transportation facility, warehouse, mercantile or trading establishment or any sort of a going business or undertaking, the Alien Property Custodian may require that such money or other property and/or the proceeds from the conduct or management of such business be conveyed, transferred, assigned, delivered or paid over to him, subject to the continued exercise of such license and the continued conduct or management of such business or other undertaking as above provided; and he may leave all or such part of the money or other property of such business or other undertaking in the possession of the licensee or the agent or representative of the licensee to be used, disposed of, and accounted for, in the continued exercise of such license. Any requirement made

by the Alien Property Custodian pursuant to the provisions hereof shall be subject to modification or change by him at any time prior to the final compliance therewith. Any of such property other than money, including any such going business or undertaking, may be advertised and sold by the Alien Property Custodian, subject to the exercise of any such license, but for the account of the Alien Property Custodian or for the account of the purchaser as the Alien Property Custodian may determine; and until the purchaser of such property shall be placed in the possession thereof or during such other period as the Alien Property Custodian may determine.

*Effect upon the Statutory Powers of the Alien Property Custodian and upon Prior Executive Orders.*

1. Nothing herein contained shall limit or shall be construed to limit, in any way the rights, powers and authority conferred upon the Alien Property Custodian by the "Trading With the Enemy Act" and the amendments thereto and the Executive orders heretofore issued pursuant thereto.

2. All Executive orders heretofore made are amended and modified hereby to such an extent as may be necessary to conform with the provisions hereof; but with this exception, all of such orders in force and effect at the time this order is issued are expressly ratified and continued in full force and effect.

WOODROW WILSON.

THE WHITE HOUSE,  
16 July, 1918.

EXTRACT FROM URGENT DEFICIENCY ACT RELATING TO ALIEN PROPERTY CUSTODIAN.<sup>1</sup>

*Approved March 28, 1918.*

The President is authorized to acquire the title to the docks, piers, warehouses, wharves, and terminal equipment and facilities on the Hudson River now owned by the North German Lloyd Dock Company and the Hamburg-American Line Terminal and Navigation Company, two corporations of the State of New Jersey, if he shall deem it necessary for the national security and defense: *Provided*, That if such property cannot be procured by purchase, then the President is authorized and empowered to take over for the United States the immediate possession and title thereof. If any such property shall be taken over as aforesaid, the United States

<sup>1</sup> Public—No. 109—65th Congress.

shall make just compensation therefor to be determined by the President. Upon the taking over of said property by the President, as aforesaid, the title to all such property so taken over shall immediately vest in the United States: *Provided further*, That section three hundred and fifty-five of the Revised Statutes of the United States shall not apply to any expenditures herein or hereafter authorized in connection with the property acquired.

The fourth paragraph of section twelve of the "Trading with the enemy Act," approved October sixth, nineteen hundred and seventeen,<sup>1</sup> is amended to read as follows:

"The alien property custodian shall be vested with all of the powers of a common-law trustee in respect of all property, other than money, which has been or shall be, or which has been or shall be required to be, conveyed, transferred, assigned, delivered, or paid over to him in pursuance of the provisions of this Act, and, in addition thereto, acting under the supervision and direction of the President, and under such rules and regulations as the President shall prescribe, shall have power to manage such property and do any act or things in respect thereof or make any disposition thereof or of any part thereof, by sale or otherwise, and exercise any rights or powers which may be or become appurtenant thereto or to the ownership thereof in like manner as though he were the absolute owner thereof: *Provided*, That any property sold under this Act, except when sold to the United States, shall be sold only to American citizens, at public sale to the highest bidder, after public advertisement of time and place of sale which shall be where the property or a major portion thereof is situated, unless the President stating the reasons therefor, in the public interest shall otherwise determine: *Provided further*, That when sold at public sale, the alien property custodian upon the order of the President stating the reasons therefor, shall have the right to reject all bids and resell such property at public sale or otherwise as the President may direct. Any person purchasing property from the alien property custodian for an undisclosed principal, or for re-sale to a person not a citizen of the United States, or for the benefit of a person not a citizen of the United States, shall be guilty of a misdemeanor, and, upon conviction, shall be subject to a fine of not more than \$10,000, or imprisonment for not more than ten years, or both, and the property shall be forfeited to the United States. It shall be the duty of every corporation incorporated within the United States and every unincorporated association, or company, or trustee, or trustees within the United States issuing shares or certificates representing beneficial interests to transfer such shares or certificates upon its, his, or their books into the name of the alien property custodian upon demand, accompanied by the presentation of the certificates which represent

<sup>1</sup> This SUPPLEMENT, January, 1918, p. 27.

such shares or beneficial interests. The alien property custodian shall forthwith deposit in the Treasury of the United States, as hereinbefore provided, the proceeds of any such property or rights so sold by him."

EXECUTIVE ORDER CONCERNING CERTAIN SALES TO BE CONDUCTED BY THE ALIEN PROPERTY CUSTODIAN PURSUANT TO THE "TRADING WITH THE ENEMY ACT" AND AMENDMENTS THEREOF.<sup>1</sup>

*April 2, 1918.*

By virtue of the authority vested in me by "An Act to define, regulate and punish trading with the enemy, and for other purposes", approved October 6, 1917, known as the "Trading with the enemy Act",<sup>2</sup> and the amendment to such Act embodied in "An Act making appropriations to supply urgent deficiencies in appropriations for the fiscal year ending June 30, 1918, and prior fiscal years, on account of war expenses, and for other purposes", approved March 28, 1918,<sup>3</sup> I hereby, in the public interest, make the following determination, order, rule and regulation:

The Alien Property Custodian may sell at private sale, without public or other advertisement, any live stock, feed or food stuffs, hides and other animal products, agricultural products, fertilizers, chemicals, drugs, essential oils, lumber, cotton, tobacco, furniture, books, glass and china ware, wearing apparel, jewelry, precious stones, pictures, ornaments, bric-a-brac, objects of art, raw or finished textile materials, trunks, boxes, casks and containers of all kinds, partially or completely manufactured metals, fabrics or other articles, rubber and rubber products, and all kinds of merchandise, in lots having a market value at the time and place of sale not exceeding Ten Thousand Dollars (\$10,000) per lot. Any such sale may be conducted at the place where such property, or the greater portion thereof, is situated, or elsewhere, and upon such terms and conditions as to the Alien Property Custodian, or his authorized agent, may seem proper.

My reasons for the foregoing determination, order, rule and regulation are:

(a) The properties described in the lots mentioned are not customarily sold and cannot usually be sold to advantage either at public sale after public or other advertisement, or at the place where such properties, or the greater portion thereof, are situated.

<sup>1</sup> No. 2832.

<sup>2</sup> This SUPPLEMENT, January, 1918, p. 27.

<sup>3</sup> *Supra*, p. 292.

(b) The sales hereby authorized may be made at the time and place of favorable demand, and upon such terms and conditions as may be necessary to secure the market price.

(c) Unnecessary expense, delay and inconvenience may be avoided.

WOODROW WILSON.

THE WHITE HOUSE,  
2 April, 1918.

AN EXECUTIVE ORDER CONCERNING A SALE TO BE CONDUCTED BY THE  
ALIEN PROPERTY CUSTODIAN PURSUANT TO THE "TRADING WITH  
THE ENEMY ACT" AND AMENDMENTS THEREOF.<sup>1</sup>

May 9, 1918.

By virtue of the authority vested in me by "An Act to define, regulate and punish trading with the enemy, and for other purposes", approved October 6, 1917, known as the "Trading with the enemy Act",<sup>2</sup> and the amendment to such Act embodied in "An Act making appropriations to supply urgent deficiencies in appropriations for the fiscal year ending June 30, 1918, and prior fiscal years, on account of war expenses, and for other purposes", approved March 28, 1918,<sup>3</sup> I hereby, in the public interest, make the following determination, order, rule, and regulation:

The Alien Property Custodian is hereby authorized to sell at private sale, without public or other advertisement, the following property, to wit:

279,232 pounds, more or less, of nickel: property of Hammar and Company, Hamburg, Germany, Hammar and Company, Ltd., Stockholm, Sweden, and other enemies unknown: same now being in the possession of the American Dock Company, Tompkinsville, Staten Island, New York.

Such sale may be made in one or more lots and may be conducted at the place where the property, or the major portion thereof, is situated, or elsewhere, and upon such terms and conditions as to the Alien Property Custodian, or his duly authorized agent may seem proper.

My reasons for the foregoing determination, order, rule and regulation are:

(a) That the property described is not customarily sold and can-

<sup>1</sup> No. 2858.

<sup>2</sup> This SUPPLEMENT, January, 1918, p. 27.

<sup>3</sup> *Supra*, p. 292.

not usually be sold to advantage either at public sale after public or other advertisement, or at the place where such property, or the greater portion thereof, is situated.

(b) That the property described may be sold to such manufacturers as may be designated by the Ordnance Department of the War Department for war purposes, and therefore for direct utilization by the United States Government.

(c) That unnecessary expense, delay and inconvenience may be avoided.

WOODROW WILSON.

THE WHITE HOUSE,  
9 May, 1918.

EXECUTIVE ORDER CONCERNING CERTAIN SALES TO BE CONDUCTED BY THE  
ALIEN PROPERTY CUSTODIAN PURSUANT TO THE "TRADING WITH  
THE ENEMY ACT" AND AMENDMENTS THEREOF.<sup>1</sup>

*July 15, 1918.*

By virtue of the authority vested in me by "An Act to define, regulate and punish trading with the enemy, and for other purposes", approved October 6, 1917, known as the "Trading with the enemy Act",<sup>2</sup> and the amendment to such Act embodied in "An Act making appropriations to supply urgent deficiencies in appropriations for the fiscal year ending June 30, 1918, and prior fiscal years, on account of war expenses, and for other purposes", approved March 28, 1918,<sup>3</sup> I hereby, in the public interest, make the following determination, order, rule and regulation:

The Alien Property Custodian may sell at private sale, without public or other advertisement, any real property or any right, title, or interest therein of whatsoever kind; ground rents, leaseholds, options on real or personal property, stocks, beneficial interests in stocks, including voting trust certificates, and all other rights appurtenant to the ownership of stock, bonds, negotiable instruments or evidences of indebtedness, seats on stock or other exchanges; in parcels, lots, or quantities having a market value at the time of sale not exceeding Ten Thousand Dollars for each parcel, lot or quantity sold. Any such sale may be conducted at such place and upon such terms and conditions as to the Alien Property Custodian, or his authorized agent, may seem proper.

My reasons for the foregoing determination, order, rule and regulation are:

<sup>1</sup> No. 2914.

<sup>2</sup> This SUPPLEMENT, January, 1918, p. 27.

<sup>3</sup> *Supra*, p. 292.

(a) The properties above classified cannot usually be sold to the best advantage at public sale after public or other advertisement.

(b) The sales hereby authorized may be made at the time and place of most favorable demand and upon such terms and conditions as may be necessary to secure the best market price.

(c) Unnecessary expense, delay and inconvenience may be avoided.

WOODROW WILSON.

THE WHITE HOUSE,  
15 July, 1918.

**EXECUTIVE ORDER CONCERNING CERTAIN SALES TO BE CONDUCTED BY THE  
ALIEN PROPERTY CUSTODIAN PURSUANT TO THE "TRADING WITH  
THE ENEMY ACT" AND AMENDMENTS THEREOF.<sup>1</sup>**

*August 29, 1918.*

By virtue of the authority vested in me by "An Act to define, regulate and punish trading with the enemy, and for other purposes", approved October 6, 1917, known as the "Trading with the enemy Act",<sup>2</sup> and the amendment to such Act embodied in "An Act making appropriations to supply urgent deficiencies in appropriations for the fiscal year ending June 30, 1918, and prior fiscal years, on account of war expenses, and for other purposes", approved March 28, 1918,<sup>3</sup> I hereby, in the public interest, make the following determination, order, rule and regulation:

The Alien Property Custodian may sell at private sale, without public or other advertisement, any seats upon or memberships in, any stock, cotton, grain, produce, or other exchanges incorporated or organized and existing anywhere within the United States as defined in the "Trading with the enemy Act"; and any such sale or sales may be made and conducted wherever and upon such terms and conditions as the Alien Property Custodian or his authorized agent shall determine.

My reasons, in the public interest, for the foregoing determination, order, rule and regulation are:

(a) The methods required by law and the character of said property to be pursued in the sale thereof are such that the power of sale vested in the Alien Property Custodian cannot be exercised effectively except at private sale; in that such seats upon or memberships in said exchanges can be purchased only by persons who are already members of said exchange or who are approved by said ex-

<sup>1</sup> No. 2949.

<sup>2</sup> This SUPPLEMENT, January, 1918, p. 27.

<sup>3</sup> *Supra*, p. 292.



change according to its Constitution and By-Laws, and such seats upon or memberships in said exchanges can be sold and transferred therefore only to persons who are members of, or who are approved by the exchange the seat upon or membership in which is the subject matter of sale.

(b) The sales hereby authorized may be made at the time and place of most favorable demand and upon such terms and conditions as may be necessary to secure the best market price.

(c) Unnecessary expense, delay and inconvenience may be avoided.

WOODROW WILSON.

THE WHITE HOUSE,  
29 August, 1918.

EXECUTIVE ORDER WITH RESPECT TO ORENSTEIN AND KOPPEL-ARTHUR  
KOPPEL ACTIENGESSELLSCHAFT COMMONLY KNOWN AS ORENSTEIN-  
KOPPEL COMPANY.<sup>1</sup>

June 15, 1918.

By virtue of the authority vested in me by "An Act to define, regulate, and punish trading with the enemy, and for other purposes", approved October 6, 1917, known as the "Trading with the enemy Act",<sup>2</sup> as amended by "An Act making appropriations to supply urgent deficiencies in appropriations for the fiscal year ending June thirtieth, nineteen hundred and eighteen, and prior fiscal years, on account of war expenses and for other purposes", approved March 28, 1918,<sup>3</sup> I hereby make the following determination, and orders, rules, and regulations.

1. I do determine hereby, after investigation, that Orenstein and Koppel-Arthur Koppel Actiengesellschaft is an enemy not holding a license granted by the President within the purview of said "Trading with the enemy Act" as amended and the proclamations and Executive orders issued in pursuance thereof, and that all and singular the property and assets of every kind, character, and description held by or in the name of Koppel Land Company, Beaver Connecting Railroad Company, Koppel Water Company, Pennsylvania Car and Manufacturing Company, Orenstein-Arthur Koppel Company, a corporation of the Commonwealth of Pennsylvania, Universal Railway Products Company, and Koppel Sales Company belong to and are held for, by, on account of, on behalf of, and for the benefit of said Orenstein and Koppel-Arthur Koppel Actiengesellschaft.

(2) The Alien Property Custodian, duly qualified and acting

<sup>1</sup> No. 2885.

<sup>2</sup> This SUPPLEMENT, January, 1918, p. 27.

<sup>3</sup> *Supra*, p. 292.

under the provisions of said "Trading with the enemy Act" as amended, and the proclamations and Executive orders issued in pursuance thereof, shall have power and he is authorized and directed to hold, manage, administer, protect, preserve, control, and sell or otherwise dispose of in accordance with the following rules and regulations, any and all property, other than money, which has been or shall be conveyed, transferred, assigned, delivered, and/or paid over to him as the property of said Orenstein and Koppel-Arthur Koppel Actiengesellschaft, pursuant to the provisions of the "Trading with the enemy Act" as amended, and the proclamations and Executive orders issued pursuant thereto, or which has been or shall be required so to be.

(a) The Alien Property Custodian and depositaries for him under his direction and control and within the limits of the authority granted by him to them, shall have the power and authority to do any and all things reasonable and proper in or about or for the custody, management, administration, protection, preservation and control of any such property according to the nature and character of the property and the attendant circumstances, including (but without limiting the generality of the foregoing) the power and authority to collect all bills, notes, accounts, dividends, interest, rents, royalties, annuities and other receivables, and income and profits and accumulations and distributions of principal or income; to pay rents, royalties, interest and other accounts and liens or charges; to make repairs, additions and alterations to property, whether real or personal; to rent, lease or otherwise grant the use or right to use or occupy property of any kind; to insure property against loss, and to cancel and surrender insurance policies and collect return premiums and surrender values, and to do any other act or thing in or about insurance or insurance policies; to grant by lease, license or otherwise, the right to use, or other rights, under or with respect of patents, copyrights, trade marks, trade secrets and other similar rights; to vote shares of stock or other beneficial interest in corporations, unincorporated associations, companies or trusts upon any questions at all times and upon all matters upon which any owner of such stock or other beneficial interest shall have the right to vote, and as the holder of such shares of stock or other beneficial interest to vote for or against and to take part in any sale, dissolution, consolidation, amalgamation or reorganization of any sort, of any such corporation, unincorporated association, company or trust, or of its assets or any part thereof, and to exercise any rights or privileges that may be or become appurtenant to the ownership of such stock or other beneficial interest with like force and effect and under like circumstances in all respects as though the absolute owner thereof; to give any notices and file any papers or writings of any kind proper or necessary for the creation, perfection, protection, liquidation or

otherwise in respect of any claims, demands, choses in action or other rights of any kind and to settle, compromise and adjust claims, demands, choses in action or other rights; to intervene in any suit or proceeding before any court, board, commission or other body and to file and maintain claims, demands and suits of all kinds in or before any court, board, commission or other body; to determine and pay all reasonable and proper expenses incurred in or about or with respect of the exercise of any of the powers and authority vested in the Alien Property Custodian or any depositary for him, including expenses that may be incurred in or about securing possession, custody or control of any such property, and including also taxes and other charges heretofore or hereafter lawfully assessed upon or against such property by any body politic; provided that this shall not be construed to authorize the payment of any stamp or other taxes upon or on account of conveyance, transfer, assignment or delivery of property to the Alien Property Custodian or any depositary or nominee for him; and provided further that this shall not in any way affect the power of the Commissioner of Internal Revenue or any regulations made by him or under his authority.

(b) Whenever such property or any part or parcel thereof is or shall be held or retained adversely to the Alien Property Custodian or to any requirement of or concerning such property made by the Alien Property Custodian, or under any claim of lien, charge or incumbrance, the Alien Property Custodian may compromise or settle such controversy or claim as though he were the absolute owner thereof, in any way he shall decide proper; and he shall have the power and authority to make any payment or payments necessary, and to execute and deliver any instrument or writings necessary or proper to effect or evidence the same.

(c) Whenever any such property or any part or parcel thereof shall be used or employed in the conduct or other operation of a mine, plant, factory, railroad or other transportation facility, warehouse, mercantile or trading establishment or any sort of a going business or undertaking, the Alien Property Custodian may continue the conduct or other operation of such business or undertaking; and for such purpose he shall have the right, power and authority to employ and discharge agents, attorneys, servants and other employees; to buy and sell supplies, materials and commodities required or necessary for the conduct of such business, or dealt in or handled thereby, or mined, produced, manufactured or created by it; to take out insurance; to require money owing by banks, trust companies or other depositaries on special or general deposit to be paid to the Alien Property Custodian or upon his order; to collect debts and other receivables owing to the said business or undertaking or to the former enemy owner or owners thereof and created out of or by the operation of such business or undertaking, and also debts, accounts and

other receivables accruing or arising out of the conduct or other operation of such business or undertaking, by the Alien Property Custodian or under his direction or authority; to pay the wages and salaries of agents, attorneys, servants and other employees, and rents, royalties, and other current accounts and liabilities; to intervene in any suit or action pending in any court or before any board, commission or other body, in which such business or undertaking or any of the property or assets thereof shall be involved or concerned and to prosecute or defend, as the case may be; to file, prosecute and maintain any claim or suit in the name of the Alien Property Custodian or of any manager or managers appointed by him as hereinafter provided, or otherwise, arising out of or based upon transactions had prior or subsequent to the time when such property was conveyed, transferred, assigned, delivered or paid over to the Alien Property Custodian or was required so to be, growing out of the conduct or operation of such business or undertaking or any other use, custody, control or management of any property or assets thereof; and generally to manage, administer, preserve, conduct, operate and control such business or undertaking and any or all parts or parcels and assets thereof as though the absolute owner or owners thereof, either in the name of the Alien Property Custodian or otherwise as he shall determine.

(d) The Alien Property Custodian may appoint a manager or managers who, under his direction and control and within the limits of the authority conferred by him, shall be authorized and directed to hold, manage, administer, protect, preserve and otherwise control such property or any part or parcel thereof; and any manager or managers thus appointed shall be authorized and directed to continue the conduct or other operation of any going business or other undertaking which the Alien Property Custodian himself as provided elsewhere herein could continue. Such manager or managers, either generally or specially as the Alien Property Custodian shall from time to time determine and order or authorize, shall have and exercise the rights, powers and authority conferred upon him or them by the Alien Property Custodian; and such rights, powers and authority may be enlarged, restricted or revoked by the Alien Property Custodian at any time and without giving any notice or reason therefor. The remuneration of all such managers shall be fixed by the Alien Property Custodian and may be increased or reduced at any time.

(e) The Alien Property Custodian shall have the right to sell or otherwise dispose of any or all of such property whenever in his opinion such sale or other disposition is in the public interest; and such property may be sold or otherwise disposed of in such parcel or parcels as he shall determine. Any property when sold, except when sold to the United States, shall be sold at public sale to the highest bidder, after public advertisement of the time and place of

sale, which time shall be when the Custodian shall determine and which place shall be on the premises at the plant of said Orenstein and Koppel-Arthur Koppel Actiengesellschaft at Koppel, Beaver County, Pennsylvania. The Alien Property Custodian, upon the order of the President stating the reasons therefor, shall have the right to reject all bids and resell such property at public sale or otherwise as the President may direct; but the Alien Property Custodian may at or before any sale, by public announcement or by publication fix a period after the expiration of which the right thus to reject all bids and to resell such property will not be exercised. Such property shall be sold only to American citizens, provided that any corporation incorporated within or under the authority of the laws of any State or Territory of the United States shall be considered for such purposes an American citizen; but the Alien Property Custodian shall have the right to exclude from such bidding any corporation which he shall, after investigation, determine to be controlled, managed or operated by, for, on account of, on behalf of or for the benefit of an enemy or enemies; and/or to exclude any such corporation from purchasing or otherwise acquiring any of such property from him.

(f) The Alien Property Custodian shall have full power and discretion with respect to the sale of such property and may sell the same as an entirety or may sell any and all parts thereof in such groups or parcels and at such time or times as he shall determine. He may sell any of such property used or employed in the conduct or operation of any mine, plant, factory, railroad or other transportation facility, mercantile establishment, or any sort of going business or undertaking as a going business or undertaking and may include not only the tangible property but any and all patents, trade marks, trade names, good will and other intangible rights and assets.

(g) The Alien Property Custodian may sell such property and any and all parts and parcels thereof for cash or upon credit; and in the latter event, such security for the payment of that portion of the purchase price remaining unpaid may be taken as he shall deem proper in the premises. He shall be authorized to set a minimum or upset price on any property offered for sale by him, and to fix and prescribe the terms and conditions upon which bids will be received, and to determine, generally or specially, qualifications to be met by persons offering to bid; to require deposits from prospective bidders; to determine, generally or specially, the nature and extent of information concerning any property or properties offered or to be offered for sale, which shall be given prospective bidders, and the inspection thereof which shall be allowed; to have made auditor's reports, and appraisals of property or properties offered or to be offered for sale, and generally to make and establish, generally or specially, terms and conditions to govern any or all sales to be made by him. Any

property or properties thus sold may be sold subject to or free from any or all debts, claims and liabilities of all kinds created or arising out of or in respect of any such property or properties or the conduct or other operation of any such business or other undertaking; and subject to or free from liens, charges or incumbrances; and payment thereof and of all expenses of such sale or sales may be made out of the proceeds from such sale or sales, or may be required to be made or assumed by the purchaser, as the Alien Property Custodian shall determine.

(h) All costs and expenses, including repairs made, taxes or other charges paid, remuneration of any and all depositaries, agents and managers and all payments of every kind made by the Alien Property Custodian or under his authority, and all claims, rights and demands of every kind, character and description based upon or arising out of the custody, management, administration, preservation, control and sale or other disposition of property by the Alien Property Custodian or under his authority, shall be limited to and enforced against and paid or satisfied out of only the property or business or undertaking out of which, on account of which, or in respect of which said costs, charges, expenses, claim right or demand shall have arisen or been created; provided that whenever such property or the income therefrom shall be insufficient for such purpose, same may be paid out of other moneys or properties required or received from or on account of the said enemy, all of such payments, however, being charged against the property on account of which or in respect of which same shall be made. Insofar as possible all such payments shall be made out of income from or profits arising from or out of such property or going business or undertaking before the corpus thereof shall be used for such purpose. Neither the Alien Property Custodian nor any agent or manager appointed by him shall be liable personally for any debt or other obligation of any kind or character owing, created, or growing out of or in any other way arising from any such property or the custody, management, administration, protection, preservation, control and/or sale or other disposition thereof and/or from the conduct or other operation of any going business or undertaking; and in no event and under no circumstances shall the Alien Property Custodian or any agent or manager appointed by him be liable to any one for, or on account of, anything done or omitted in or about or in respect of any such property or the control or other operation of any such going business or other undertaking except in cases of intentional injury or fraudulent misconduct by the person attempted to be charged with such liability.

(i) The Alien Property Custodian and depositaries, agents and managers for him, within the limits of the authority granted by him, shall have the power and authority to do any and all things reasonable or proper in or about or in respect of the exercise of any of the

powers and authority specifically granted above, and in addition are hereby authorized and directed to manage all such property and to do any act or things in respect thereof or make any disposition thereof or any part thereof by sale or otherwise and exercise any rights or powers which may be or become appurtenant thereto or to the ownership thereof, in like manner as though the Alien Property Custodian were the absolute owner thereof, subject to no limitations or restrictions other than those specifically set forth herein or in said "Trading with the enemy Act" as amended or any prior Executive orders issued pursuant thereto not in conflict herewith.

My reasons in the public interest for the foregoing determinations, rules and regulations are that they are necessary to enable the Alien Property Custodian to perform the duties imposed upon him and to exercise the powers and authority granted to him with respect to said Orenstein and Koppel-Arthur Koppel Actiengesellschaft, and any and all properties belonging to or held by, for, on account of, on behalf of, or for the benefit of said enemy, properly and effectively.

WOODROW WILSON.

THE WHITE HOUSE,  
15 June, 1918.

AN ACT TO GIVE INDEMNITY FOR DAMAGES CAUSED BY AMERICAN FORCES  
ABROAD.<sup>1</sup>

*Approved, April 18, 1918.*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That claims of inhabitants of France or of any other European country not an enemy or ally of an enemy for damages caused by American military forces may be presented to any officer designated by the President, and when approved by such an officer shall be paid under regulations made by the Secretary of War.

SEC. 2. That claims under this statute shall not be approved unless they would be payable according to the law or practice governing the military forces of the country in which they occur.

SEC. 3. That hereafter appropriations for the incidental expenses of the Quartermaster Corps shall be available for paying the claims herein described.

SEC. 4. That this statute does not supersede other modes of indemnity now in existence and does not diminish responsibility of any member of the military forces to the person injured or to the United States.

<sup>1</sup> Public—No. 133—65th Congress.

PROCLAMATION MAKING CERTAIN FURTHER EXPORTS UNLAWFUL IN TIME OF WAR.<sup>1</sup>

*November 28, 1917.*

WHEREAS Congress has enacted, and the President has on the fifteenth day of June, 1917, approved a law which contains the following provisions:<sup>2</sup>

Whenever during the present war the President shall find that the public safety shall so require, and shall make proclamation thereof, it shall be unlawful to export from or ship from or take out of the United States to any country named in such proclamation any article or articles mentioned in such proclamation, except at such time or times, and under such regulations and orders, and subject to such limitations and exceptions as the President shall prescribe, until otherwise ordered by the President or by Congress: Provided, however, that no preference shall be given to the ports of one State over those of another.

NOW, THEREFORE, I, WOODROW WILSON, PRESIDENT OF THE UNITED STATES OF AMERICA, DO HEREBY PROCLAIM to all whom it may concern, that the public safety requires that the following articles (in addition to the articles controlled by the second division of the Proclamation of August 27, 1917),<sup>3</sup> namely: iron and steel wire rope, cable and strands consisting of six or more wires; stud link chain cable; micrometers and calipers; lathe chucks; antimony, antimony ore, asbestos, balata, mica, mica splittings, strontium ores, titanium, wolframite and iridium; arsenic and its compounds, opium, caustic soda, soda ash, methylethyl ketone and wood alcohol; acetic acid, glacial acetic acid, acetate of cellulose and all acetates; animal oils and vegetable oils; beans, eggs, peanut meal, flaxseed, soya bean meal, soya bean oil, starch, canned peas, canned tomatoes, canned corn, dried prunes, dried apricots, dried apples, dried raisins and dried peaches; quebracho and chestnut extracts; vegetable fibre bags and bagging, except cotton bags and bagging; rubber, sponges, gutta-joolatong, gutta-percha, gutta-siak, shellac, seedlac and cinchona bark; hospital gauze and surgical instruments; yellow pine wood measuring 1' x 1' x 25' and larger sizes; and poster paper: shall not, on and after the first day of December in the year One Thousand Nine Hundred and Seventeen, be exported from or shipped from or taken out of the United States or its territorial possessions to Abyssinia, Afghanistan, Argentina, Belgium, her colonies, possessions or protectorates, Bolivia, Brazil, China, Chile, Colombia, Costa Rica, Cuba, Dominican Republic, Ecuador, Egypt, France, her colonies, possessions or protectorates, Great Britain, her colonies, possessions

<sup>1</sup> No. 1410.

<sup>2</sup> This SUPPLEMENT, October, 1917, p. 178.

<sup>3</sup> *Ibid.*, p. 206.



or protectorates, Guatemala, Haiti, Honduras, Italy, her colonies, possessions or protectorates, Japan, Liberia, Mexico, Monaco, Montenegro, Morocco, Nepal, Nicaragua, the colonies, possessions or protectorates of The Netherlands, Oman, Panama, Paraguay, Persia, Peru, Portugal, her colonies, possessions or protectorates, Roumania, Russia, Salvador, San Marino, Serbia, Siam, Uruguay or Venezuela, or to any territory occupied by the military forces of the United States or the nations associated with the United States in the war, except at such time or times, and under such regulations and orders, and subject to such limitations and exceptions as the President shall prescribe, until otherwise ordered by the President or by Congress.

The regulations, orders, limitations and exceptions prescribed will be administered by and under the authority of the War Trade Board, from whom licenses, in conformity with said regulations, orders, limitations and exceptions, will issue. Said Proclamation of August 27, 1917, is hereby confirmed and continued, and all rules and regulations heretofore made in connection therewith or in pursuance thereof, including the Executive Order of October 12, 1917,<sup>1</sup> are likewise hereby confirmed and continued and made applicable to this Proclamation.

In Witness Whereof, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE in the District of Columbia, this 28th day of November in the year of our Lord One Thousand Nine Hundred [SEAL] and Seventeen and of the Independence of the United States of America the One Hundred and Forty-Second.

WOODROW WILSON.

By the President,

ROBERT LANSING,

*Secretary of State.*

#### PROCLAMATION REGARDING EXPORTS IN TIME OF WAR.<sup>2</sup>

*February 14, 1918.*

WHEREAS Congress has enacted, and the President has on the fifteenth day of June, 1917, approved a law which contains the following provisions:<sup>3</sup>

Whenever during the present war the President shall find that the public safety shall so require, and shall make proclamation thereof, it shall be unlawful to export from or ship from or take out of the United States to any country named in such proclamation any article or articles mentioned in such proclama-

<sup>1</sup> This SUPPLEMENT, January, 1918, p. 51.

<sup>2</sup> No. 1428.

<sup>3</sup> This SUPPLEMENT, October, 1917, p. 178.

tion, except at such time or times, and under such regulations and orders, and subject to such limitations and exceptions as the President shall prescribe, until otherwise ordered by the President or by Congress: Provided, however, that no preference shall be given to the ports of one State over those of another.

And whereas the President has heretofore by proclamations dated July 9, 1917,<sup>1</sup> August 27, 1917,<sup>1</sup> September 7, 1917,<sup>1</sup> and November 28, 1917,<sup>2</sup> declared certain exports in time of war unlawful, and the President now finds that the public safety requires that such proclamations be amended and supplemented in respect to the articles and countries hereinafter mentioned;

NOW, THEREFORE, I, WOODROW WILSON, PRESIDENT OF THE UNITED STATES OF AMERICA, DO HEREBY PROCLAIM to all whom it may concern, that the public safety requires that the following articles, namely: all kinds of arms, guns, ammunition and explosives, machines for their manufacture or repair, component parts thereof, materials or ingredients used in their manufacture, and all articles necessary or convenient for their use; all contrivances for or means of transportation on land or in the water or air, machines used in their manufacture or repair, component parts thereof, materials or ingredients used in their manufacture, and all instruments, articles and animals necessary or convenient for their use; all means of communication, tools, implements, instruments, equipment, maps, pictures, papers and other articles, machines and documents necessary or convenient for carrying on hostile operations; all kinds of fuel, food, foodstuffs, feed, forage and clothing, and all articles and materials used in their manufacture; all chemicals, drugs, dyestuffs and tanning materials; cotton, wool, silk, flax, hemp, jute, sisal and other fibres and manufactures thereof; all earthen, clay, glass, sand, stone and their products; animals of every kind, their products and derivatives; hides, skins and manufactures thereof; all non-edible animal and vegetable products; all machinery, tools, dies, plates, and apparatus and materials necessary or convenient for their manufacture; medical, surgical, laboratory and sanitary supplies and equipment; all metals, minerals, mineral oils, ores, and all derivatives and manufactures thereof; paper pulp, books and all printed matter and materials necessary or convenient for their manufacture; rubber, gums, rosins, tars and waxes, their products, derivatives and substitutes, and all articles containing them; wood and wood manufactures; coffee, cocoa, tea and spices; wines, spirits, mineral waters and beverages; and all other articles of any kind whatsoever shall not, on and after the sixteenth day of February in the year One Thousand Nine Hundred and Eighteen, be exported from, or shipped from, or taken out of the United States or its territorial possessions to Abyssinia, Afghanistan, Albania, Argentina, Austria-Hungary, Belgium, her

<sup>1</sup> This SUPPLEMENT, October, 1917, pp. 204, 206, 210.

<sup>2</sup> *Supra*, p. 305.

colonies, possessions and protectorates, Bolivia, Brazil, Bulgaria, China, Chile, Colombia, Costa Rica, Cuba, Denmark, her colonies, possessions and protectorates, Dominican Republic, Ecuador, Egypt, France, her colonies, possessions and protectorates, Germany, her colonies, possessions and protectorates, Great Britain, her colonies, possessions and protectorates, Greece, Guatemala, Haiti, Honduras, Italy, her colonies, possessions and protectorates, Japan, Liechtenstein, Liberia, Luxembourg, Mexico, Monaco, Montenegro, Morocco, Nepal, The Netherlands, her colonies, possessions and protectorates, Nicaragua, Norway, Oman, Panama, Paraguay, Persia, Peru, Portugal, her colonies, possessions and protectorates, Roumania, Russia, Salvador, San Marino, Serbia, Siam, Spain, her colonies, possessions and protectorates, Sweden, Switzerland, Turkey, Uruguay, or Venezuela, except under license granted in accordance with regulations or orders and subject to such limitations and exceptions as have heretofore been, or shall hereafter be prescribed in pursuance of the powers conferred by said Act of June 15, 1917. The said proclamations of July 9, 1917, August 27, 1917, September 7, 1917, and November 28, 1917, and paragraph II of the executive order of October 12, 1917,<sup>1</sup> are hereby confirmed and continued and all rules and regulations heretofore made in connection therewith or in pursuance thereof are likewise hereby confirmed and continued and made applicable to this proclamation.

In Witness Whereof, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE in the District of Columbia, this 14th day of February, in the year of our Lord One Thousand Nine Hundred and Eighteen, and of the Independence of the United States of America the One Hundred and Forty-Second.

WOODROW WILSON.

By the President,

ROBERT LANSING

*Secretary of State.*

EXECUTIVE ORDER PRESCRIBING REGULATIONS RELATING TO THE EXPORTATION OF COIN, BULLION AND CURRENCY.<sup>2</sup>

*September 7, 1917.*

By virtue of the authority vested in me, I direct that the regulations, orders, limitations, and exceptions prescribed in relation to the exportation of coin, bullion, and currency shall be administered by and under the authority of the Secretary of the Treasury; and

<sup>1</sup> This SUPPLEMENT, October, 1917, p. 51.

<sup>2</sup> No. 2697.

upon the recommendation of the Secretary of the Treasury I hereby prescribe the following regulations in relation thereto:

1. Any individual, firm or corporation desiring to export from the United States or any of its territorial possessions to any foreign country named in the proclamation dated September 7th, 1917,<sup>1</sup> any coin, bullion, or currency, shall first file an application in triplicate with the Federal Reserve Bank of the district in which such individual, firm or corporation is located, such application to state under oath and in detail the nature of the transaction, the amount involved, the parties directly and indirectly interested and such other information as may be of assistance to the proper authorities in determining whether the exportation for which a license is desired will be compatible with the public interest.

2. Each Federal Reserve Bank shall keep a record copy of each application filed with it under the provisions of this regulation and shall forward the original application and a duplicate to the Federal Reserve Board at Washington together with such information or suggestions as it may believe proper in the circumstances and shall in addition make a formal recommendation as to whether or not in its opinion the exportation should be permitted.

3. The Federal Reserve Board, subject to the approval of the Secretary of the Treasury, is hereby authorized and empowered upon receipt of such application and the recommendation of the Federal Reserve Bank to make such ruling as it may deem proper in the circumstances and if in its opinion the exportation in question be compatible with the public interest, to permit said exportation to be made; otherwise to refuse it.

WOODROW WILSON.

THE WHITE HOUSE,  
*September 7, 1917.*

ADMINISTRATIVE PROCEDURE ADOPTED BY THE SECRETARY OF THE  
TREASURY PURSUANT TO EXECUTIVE ORDER OF OCTOBER 12TH UNDER  
THE TRADING-WITH-THE-ENEMY ACT.<sup>2</sup>

*November 23, 1917.*

By virtue of the authority vested in the Secretary of the Treasury by Executive Order of the President, dated October 12, 1917,<sup>3</sup> I hereby adopt the following administrative procedure deemed necessary and proper for the executive administration vested by said Executive Order in the Secretary of the Treasury; such administrative pro-

<sup>1</sup> This SUPPLEMENT, October, 1917, p. 210.

<sup>2</sup> Official U. S. Bulletin, November 26, 1917.

<sup>3</sup> This SUPPLEMENT, January, 1918, p. 51.

cedure to remain in effect unless and until modified or superseded by direction of the Secretary of the Treasury:

*Federal Reserve Board as Agency.*

1. I hereby designate the Federal Reserve Board to act as the agency of the Secretary of the Treasury, subject to the approval of the Secretary of the Treasury, for the investigation, regulation, or prohibition of any transaction in foreign exchange, export or earmarking of gold or silver coin, or bullion or currency, transfers of credit in any form (other than credits relating solely to transactions to be executed wholly within the United States), and transfers of evidences of indebtedness or of the ownership of property between the United States and any foreign country, or between residents of one or more foreign countries by any person within the United States (provided that licenses from the War Trade Board shall also be required in respect of all such transactions with, or for account of, an enemy or ally of enemy or any person acting for, or on behalf of, or for the benefit of, an enemy or ally of enemy, and I hereby designate the War Trade Board to act as the agency of the Secretary of the Treasury to issue any such licenses); and I hereby further designate the Federal Reserve Board, acting through its duly authorized agents, to act as the agency of the Secretary of the Treasury to exercise the authority and power vested in the Secretary of the Treasury by Article 10 of said Executive Order to require any person engaged in any such transaction to furnish under oath complete information relative thereto, including the production of any books of account, contracts, letters, or other papers in connection therewith in the custody or control of such person, either before or after such transaction is completed.

*Executive Order of September 7th.*

The Executive Order dated September 7, 1917,<sup>1</sup> made under the authority of Title VII of the Act of Congress approved June 15, 1917, entitled "An act to punish acts of interference with the foreign relations, the neutrality, and the foreign commerce of the United States, to punish espionage and better to enforce the criminal laws of the United States and for other purposes," shall remain in full force and effect, subject to the requirement of licenses of the War Trade Board in the cases hereinbefore specified, until new regulations shall have been established by the President or by the Secretary of the Treasury with the approval of the President, and thereupon shall be superseded.

2. I hereby designate the War Trade Board to act as the agency

<sup>1</sup> *Supra*, p. 308.

of the Secretary of the Treasury to administer the authority vested in the Secretary of the Treasury relative to the sending, taking, or transmitting, or attempting to send, take, or transmit, out of the United States—and to issue licenses under such regulations as said War Trade Board may from time to time prescribe, to send, take or transmit out of the United States—any letter, or other writing, book, map, plan, or other paper, picture, or any telegram, cablegram, or wireless message, or other form of communication intended for or to be delivered, directly or indirectly, to an enemy or ally of enemy: *Provided, however,* That nothing herein shall be construed to diminish or impair either the executive administration vested in the Censorship Board or the executive administration vested in the Postmaster General by said Executive Order, dated October 12, 1917.

All applications for such licenses shall be made to the War Trade Board in the form prescribed by the War Trade Board. Such licenses shall state that the terms thereof are authorized and approved by the Secretary of the Treasury, and shall provide that the number of the license under which any such communication shall be sent shall be plainly marked upon such communication.

3. I hereby designate the Custom Division of the Treasury Department to administer, and to issue licenses (except licenses to send, take, or transmit out of the United States, any letter, writing, or tangible form of communication intended for or to be delivered, directly or indirectly, to any enemy or ally of enemy) in respect of the authority vested in the Secretary of the Treasury, under Article XI of said Executive Order, relative to sending, or taking out of, or bringing into, or attempting to send, take out of, or bring into the United States, any letter, writing, or tangible form of communication, except in the regular course of the mail.

#### *War Risk Insurance.*

4. I hereby designate the Bureau of War Risk Insurance of the Treasury Department to administer, under the direction of the Secretary of the Treasury, the authority vested in the Secretary of the Treasury, under Article XII of said Executive Order, relative to the granting of licenses or withholding or refusing the same to an enemy or ally of enemy insurance or reinsurance company doing business within the United States through an agency or branch office or otherwise.

WM. G. McADOO,  
*Secretary of the Treasury.*

THE WHITE HOUSE,  
Approved November 23, 1917.  
WOODROW WILSON.

EXECUTIVE ORDER PRESCRIBING RULES AND REGULATIONS UNDER SECTION 5 OF THE TRADING-WITH-THE-ENEMY ACT AND SUPPLEMENTING RULES AND REGULATIONS HERETOFORE PRESCRIBED UNDER TITLE 7 OF THE ESPIONAGE ACT.<sup>1</sup>

*January 26, 1918.*

WHEREAS, by virtue of the authority vested in me by the act approved June 15, 1917, known as the Espionage Act,<sup>2</sup> I directed by Executive order, dated September 7, 1917,<sup>3</sup> that the regulations, orders, limitations, and exceptions prescribed by me in relation to the export of coin, bullion, and currency should be administered by the Secretary of the Treasury, and upon his recommendation prescribed certain regulations in relation thereto; and

WHEREAS, by Executive order, dated October 12, 1917,<sup>4</sup> made under authority of the act aforesaid and of the act approved October 6, 1917, known as the Trading-with-the-Enemy Act, I vested in the Secretary of the Treasury the executive administration of any investigation, regulation, or prohibition of any transactions in foreign exchange, export, or earmarking of gold or silver coin or bullion or currency, transfers of credit in any form (other than credits relating solely to transactions to be executed wholly within the United States) and transfers of evidences of indebtedness or of the ownership of property between the United States and any foreign country or between residents of one or more foreign countries by any person within the United States, and I further vested in the Secretary of the Treasury the authority and power to require any person engaged in any such transaction to furnish, under oath, complete information relative thereto, including the production of any books of account, contracts, letters, or other papers in connection therewith in the custody or control of such person, either before or after such transaction is completed; and

WHEREAS, by said Executive order, dated October 12, 1917, I authorized and directed the Secretary of the Treasury for the purpose of such executive administration to take such measures, adopt such administrative procedure, and use such agency or agencies as he may from time to time deem necessary and proper for that purpose; and

WHEREAS, the Secretary of the Treasury, with the approval of the President, by order dated November 23, 1917,<sup>5</sup> adopted certain ad-

<sup>1</sup> No. 2796.

<sup>2</sup> This SUPPLEMENT, October, 1917, p. 178.

<sup>3</sup> *Supra*, p. 308.

<sup>4</sup> This SUPPLEMENT, January, 1918, p. 51.

<sup>5</sup> *Supra*, p. 309.

ministrative procedure for the executive administration, authority and power vested in the Secretary of the Treasury by said Executive order, dated October 12, 1917, and designated the Federal Reserve Board to act as the agency of the Secretary of the Treasury, subject to the approval of the Secretary of the Treasury, to carry out such executive administration, authority and power vested in the Secretary of the Treasury as hereinbefore recited:

Now, THEREFORE, upon the recommendation of the Secretary of the Treasury, and in order to vest all necessary authority in the Federal Reserve Board to act as the agency of the Secretary of the Treasury, in the performance of the duties hereby imposed upon it, I hereby prescribe the following orders, rules, and regulations in respect of such executive administration, authority and power, and I hereby amend the regulations heretofore prescribed by said Executive order dated September 7, 1917, as herein provided.

#### DEFINITIONS.

##### *Person.*

The term *person* as used herein shall be deemed to mean an individual, partnership, association, company or other unincorporated body of individuals, or corporation or body politic.

##### *Dealer.*

The term *dealer* as used herein shall be deemed to mean any person engaged primarily or incidentally in the business (1) of buying, selling, or dealing in foreign exchange, or (2) of buying, selling, or dealing in securities *for* or *through* foreign correspondents, or (3) any person who carries accounts or securities *with* or *for* foreign correspondents.

##### Dealers of Class A.

Dealers who engage in the business of buying, selling, or dealing in foreign exchange, or of buying, selling, or dealing in securities *for* or *through* foreign correspondents, and who may or may not carry accounts or securities *with* or *for* foreign correspondents shall be known as dealers of *Class A*.

##### Dealers of Class B.

Dealers who carry accounts or securities *with* foreign correspondents or who buy, sell or deal in securities *through* such correspondents but who do not carry accounts or securities *for* foreign correspondents and who do not engage in the business of buying, selling,



or dealing in foreign exchange or of buying, selling, or dealing in securities *for* foreign correspondents shall be known as dealers of *Class B*.

#### Dealers of Class C.

Dealers who carry accounts or securities *for* foreign correspondents or who buy, sell, or deal in securities *for* such correspondents but who do not carry accounts or securities *with* foreign correspondents and who do not engage in the business of buying, selling, or dealing in foreign exchange or of buying, selling, or dealing in securities *through* foreign correspondents shall be known as dealers of *Class C*.

#### *Foreign Exchange.*

The term *foreign exchange* as used herein shall be deemed to mean checks, drafts, bills of exchange, cable transfers, or any form of negotiable or assignable instrument, or order used (a) to transfer credit or to order the payment of funds in any foreign country, or (b) to transfer credit or to order the payment of funds within the United States for foreign account.

#### *Securities.*

The term *securities* as used herein shall be deemed to mean all evidences of ownership of property not included in the foregoing definition of foreign exchange.

#### *Correspondent.*

The term *correspondent* as used herein shall be deemed to mean any person who acts as the agent of, or for, or on behalf of, or as the depositary of, another person, or any person who is the principal for, or on behalf of, whom another person acts as agent.

#### *Customer.*

The term *customer* as used herein shall be deemed to mean any person other than a dealer who buys foreign exchange from a dealer or sells foreign exchange to a dealer.

#### TRANSACTIONS IN FOREIGN EXCHANGE AND CERTAIN OTHER TRANSACTIONS PROHIBITED EXCEPT AS HEREIN AUTHORIZED.

All transactions in foreign exchange, export or earmarking of gold or silver coin or bullion or currency, transfers of credit in any form (other than credits relating solely to transactions to be executed

wholly within the United States) and transfers of evidences of indebtedness or of the ownership of property between the United States and any foreign country, whether enemy, ally of enemy, or otherwise, or between residents of one or more foreign countries, by any person within the United States, except any such transactions or transfers conducted in conformity herewith, are hereby prohibited.

TRANSACTIONS IN FOREIGN EXCHANGE OR IN SECURITIES FOR OR THROUGH  
FOREIGN ACCOUNT.

*Certain persons required to obtain registration certificates.*

No person, other than a customer, shall, after February 10, 1918, engage in any transaction or make any transfer described in the next preceding subdivision hereof who shall not have obtained, on or before that date, a registration certificate, as hereinafter provided.

Every person who is a dealer upon the date hereof, as promptly as possible and in any event on or before January 31, 1918, shall file, with the Federal Reserve Board, through the Federal Reserve Bank of his district, an application for a registration certificate. Such application shall be in form approved by the Federal Reserve Board and shall show the character of business engaged in and whether or not an enemy or ally of enemy of the United States or any subject or citizen of an enemy or ally of enemy, wherever resident or domiciled, has any interest directly or indirectly in such business. Such application shall embody an agreement on the part of the applicant to comply with the regulations of the Federal Reserve Board, and to permit the inspection at any time of his books and accounts and to make reports as and when required on forms to be approved by the Federal Reserve Board.

The Federal Reserve Board may issue to such applicant the appropriate registration certificate in form approved by it, entitling the holder to engage in the class or classes of foreign exchange or other transactions specified in such certificate, subject to all applicable provisions of law and to such Executive orders of the President and administrative regulations as shall have been issued or may from time to time be issued by the Federal Reserve Board.

Any person who is not a dealer at the date hereof but who hereafter desires to become a dealer must first obtain a registration certificate.

Any person, other than a customer, who does not desire to become a dealer but who nevertheless desires to engage in one or several transactions or to make one or several transfers described in the next preceding subdivision hereof, may be permitted by the

Federal Reserve Board, in its discretion, to engage in any such transaction or to make any such transfer without first obtaining a registration certificate, and the Federal Reserve Board may likewise waive any requirement hereof, other than any which relates to trading with an enemy or ally of enemy, whenever it is satisfied that such waiver is not incompatible with the best interests of the United States.

Nothing herein shall be construed to abrogate or modify any existing requirement that licenses shall be obtained from the War Trade Board in respect of any transaction with, or for account of, an enemy or ally of enemy, or any person acting for, or on behalf of, or for the benefit of, an enemy or ally of enemy.

#### *Revocation of registration certificates.*

Any or all such registration certificates may be revoked at any time by direction of the Secretary of the Treasury or of the Federal Reserve Board.

#### *Books and accounts.*

Each Federal Reserve Bank through which any such registration certificate shall be issued shall furnish, to the applicant, copies of all forms of reports required and the books and records of such applicant shall thereafter be kept in a manner which will make it possible to furnish information called for in such reports without delay.

#### *General reports.*

After obtaining a registration certificate, each holder thereof shall file with the Federal Reserve Bank through which such certificate shall be issued a report, on forms to be furnished by the Federal Reserve Board, showing all accounts or securities carried *with* or *for* foreign correspondents as of the close of business on January 30, 1918, or on such other date as the Federal Reserve Board may require, and such other information as may be called for on such forms and shall thereafter file with the Federal Reserve Board, through such Federal Reserve Bank, on dates specified by the Federal Reserve Board, reports showing all changes in such accounts and all purchases, sales, and other transactions in foreign exchange or securities *for* or *through* foreign correspondents.

#### *Customers' statements.*

A dealer shall require every customer purchasing foreign exchange from him or selling foreign exchange to him, to file a statement showing the purpose of such purchase or sale, with such details as

the Federal Reserve Board may require, including a declaration to the effect that no enemy or ally of enemy of the United States has any interest directly or indirectly in such purchase or sale. The Federal Reserve Board shall prescribe the form of such declaration. Copies of such statements shall be furnished by such dealer upon request to the Federal Reserve Board, through the several Federal Reserve Banks.

*Reports made through domestic correspondents.*

Dealers to whom registration certificates have been issued, and who buy, sell, or deal in foreign exchange through domestic correspondents (for example, banking or other institutions located in the United States), unless otherwise directed by the Federal Reserve Board, shall arrange with such correspondents to include such transactions in the reports of such correspondents.

Such dealers will be required to report to the Federal Reserve Board only those foreign exchange transactions which are not included in the reports of such correspondents but may be called upon for any information in regard thereto desired by the Federal Reserve Board, and shall keep all books and records in a manner which will make it possible to furnish such information.

*Special reports.*

Whenever any holder of a registration certificate shall have reason to believe that any transaction within his knowledge involves or may involve directly or indirectly the payment of funds or delivery of securities to or the transfer of credit or securities for the benefit of an enemy or ally of enemy, or which may involve any other transaction with an enemy or ally of enemy, he shall immediately report the facts and circumstances to the Federal Reserve Board through a Federal Reserve Bank.

*Filing and verification of reports.*

All reports, statements, and declarations herein required, unless otherwise specified, shall be filed with the Federal Reserve Board through the Federal Reserve Banks.

Any or all such reports, statements, or declarations shall, in the discretion of the Federal Reserve Board, be verified by oath of the person making same.

*Examinations.*

The books and records of all dealers must at all times be open to inspection by examiners designated by the Federal Reserve Board.

DECLARATION OF FOREIGN CORRESPONDENT TO BE OBTAINED BY HOLDERS  
OF REGISTRATION CERTIFICATES.

After dates to be fixed by the Federal Reserve Board in respect of each foreign country, respectively, no holder of a registration certificate shall engage in transactions *with, through, or for* any foreign correspondent in such foreign country unless he shall have obtained from such correspondent a declaration to the following effect:

Having arranged with ..... to act as the agent or  
[Holder of registration certificate]  
correspondent in the United States for, or on behalf of, the undersigned, under regulations issued by the appropriate authorities of the United States Government and/or the undersigned having agreed to act as the foreign correspondent of the said ..... I/we do hereby declare that I/we will not deal or attempt to deal, directly or indirectly, with said agent or correspondent in any transaction for or on account of, or for the benefit of, an enemy or ally of enemy of the United States, and will not make available for the use of an enemy or ally of enemy of the United States any funds or property received or credits established as a result of any transaction engaged in with or through said agent or correspondent, and will not transmit to said agent or correspondent for collection or credit any negotiable instrument bearing the signature or indorsement of an enemy or ally of enemy of the United States.

The words "enemy" and "ally of enemy" are used herein as now or hereafter defined by laws of the United States or by Proclamation of the President of the United States.

NOTE.—If foreign correspondent is incorporated this certificate must be executed by a duly authorized officer of such corporation.

SUSPENSION OF RELATIONS WITH FOREIGN CORRESPONDENTS.

If any foreign correspondent of a dealer in the United States or any person proposing to become the foreign correspondent of a dealer in the United States, shall refuse or fail to make the foregoing declaration as herein required, or if the Federal Reserve Board shall have reason to believe that any such foreign correspondent or any such person is dealing or trading with an enemy or ally of enemy of the United States, contrary to the provisions of the declaration of noninterest of enemies, herein required, or if in the judgment of the Federal Reserve Board the best interest of the United States requires such action, it may prohibit any dealer or dealers in the United States from engaging in any transaction *with, through, for, or on behalf of* such correspondent or such person.

SUSPENSION OF TRANSACTIONS.

Whenever the Federal Reserve Board shall have reason to believe that any transaction in foreign exchange or any transfer of securities

carried *with* or *for* a foreign correspondent involves or may involve trading with an enemy, or ally of enemy, or in its judgment is incompatible with the best interest of the United States, it may cause notice to be served on the parties in interest to postpone the consummation of such transaction for a period of ninety days pending investigation of the facts, and upon investigation if the Federal Reserve Board is of the opinion that the best interests of the United States require such action it may prohibit the consummation of such transaction.

The Secretary of the Treasury may likewise prohibit the consummation of any such transaction by notice served on the parties in interest (either directly or through the Federal Reserve Board) in any case in which in his judgment the best interests of the United States require such action.

SPECIAL PROVISIONS AS TO COLLECTION OF DIVIDENDS, INTEREST OR  
MATURING OBLIGATIONS FOR FOREIGN ACCOUNT.

Every person presenting for collection maturing obligations, or coupons, checks or drafts issued for dividends or interest, for account of any foreign Government or person resident in any foreign country, shall make a declaration in form approved by the Federal Reserve Board, to the effect that such collections are not made for, or on behalf of, or for the benefit of, any enemy or ally of enemy; that the proceeds of such collections will not be made available for any enemy or ally of enemy; and that the maturing obligations, or the obligations and stocks upon which dividends or interest are to be paid, are not the property of any enemy or ally of enemy; have not been owned by, or held for the account of, any enemy or ally of enemy, since January 26, 1918, and were not purchased by the present owner from any enemy or ally of enemy or from any person acting for or on behalf of or for the benefit of an enemy or ally of enemy since February 3, 1917.

Provided, however, that any holder of a Class A or Class C registration certificate may collect maturing obligations and coupons, checks, or drafts issued for dividends or interest for account of a person resident in a foreign country, without making such declaration, if such holder has filed with the Federal Reserve Board a similar declaration executed by the person for whom collection is made.

*Interest or dividend checks payable for foreign account.*

Every person issuing checks or drafts for interest or dividends after January 26, 1918, payable to any foreign Government or to any person resident in a foreign country shall attach to or shall print on the back of such check or draft the following statement:

This check or draft will not be paid unless the following declaration is executed by the person to whom it is sent for collection by the payee, or his agent, or by the person who acts as the agent in the United States for the payee.

From actual personal knowledge, or in reliance upon declarations or affidavits furnished the undersigned by the parties in interest, I/we do hereby expressly declare that no enemy or ally of enemy of the United States is directly or indirectly interested in the proceeds of this check or draft and that such proceeds will not be made available for the use of an enemy or ally of enemy of the United States; that the stock upon which this dividend is paid (or the obligation upon which this interest is paid) is not and has not been owned by or held for account of an enemy or ally of enemy of the United States since January 26, 1918, and has not been purchased by the present owner from an enemy or ally of enemy or from a person acting for or on behalf of or for the benefit of an enemy or ally of enemy since February 3, 1917.

#### DEALINGS IN SECURITIES FOR OR THROUGH FOREIGN ACCOUNT.

No person shall purchase, sell, or deliver any securities for account of any foreign government, or for account of any person resident in a foreign country, unless such government or such person, as the case may be, shall have made a declaration, in form approved by the Federal Reserve Board, similar in effect to that required in the case of the collection of maturing obligations, for account of a foreign government or person resident in a foreign country.

#### PROCEDURE WHERE DECLARATION OF NONINTEREST OF ENEMY OR ALLY OF ENEMY CANNOT BE MADE.

Any person who is unable to make a declaration of noninterest of enemy or ally of enemy required hereunder may apply to the Federal Reserve Board for a waiver of such declaration, submitting to such board all facts and circumstances relating to the transaction involved which are in the possession of the applicant. If upon investigation the Federal Reserve Board shall determine that there is no reason to believe that any enemy or ally of enemy is directly or indirectly interested in the transaction involved, and that its consummation will not be incompatible with the best interests of the United States, it may permit the transaction to be consummated without the declaration herein required. If the Federal Reserve Board shall have reason to believe that an enemy or ally of enemy is or may be directly or indirectly interested in the transaction, it shall transmit to the War Trade Board all records in the case for such action as that board may determine to be necessary.

#### EXPORT AND EARMARKING OF COIN, BULLION, OR CURRENCY.

The following regulations prescribed by Executive order, dated September 7, 1917, shall continue in force as herein amended.

Any person desiring to export from the United States or any of its territorial possessions to any foreign country named in the procla-

mation dated September 7, 1917,<sup>1</sup> any coin, bullion, or currency, shall first file an application in triplicate with the Federal Reserve Bank of the district in which such person is located for a special or general license. Applications filed must contain statements under oath and showing in detail the nature of the transaction, the amount involved, the parties directly and indirectly interested, and such other information as may be of assistance to the proper authorities in determining whether the exportation for which a license is desired will be compatible with the public interest. All such applications should be made on the standard form prescribed by the Federal Reserve Board.

Each Federal Reserve Bank shall keep a record copy of each application filed with it under the provisions of this regulation and shall forward the original application and a duplicate to the Federal Reserve Board at Washington, together with such information or suggestions as it may believe proper in the circumstances, and shall in addition make a formal recommendation as to whether or not, in its opinion, the exportation should be permitted.

The Federal Reserve Board, subject to the approval of the Secretary of the Treasury, is hereby authorized and empowered, upon receipt of such application and the recommendation of the Federal Reserve Bank, to make such ruling as it may deem proper in the circumstances; and if, in its opinion, the exportation in question be compatible with the public interest, to permit said exportation to be made; otherwise to refuse it.

No gold or silver coin, or bullion, or currency shall be set aside and earmarked for safekeeping for any person without the written approval of the Federal Reserve Board.

**LICENSES FROM WAR TRADE BOARD IN TRANSACTIONS INVOLVING TRADING WITH AN ENEMY OR ALLY OF ENEMY.**

Applications to the Federal Reserve Board for permission to export or earmark gold or silver coin or bullion or currency shall be accompanied by a certified copy of a license issued by the War Trade Board, whenever any such transactions involve or may involve trading directly or indirectly with an enemy or ally of enemy or with any person acting for, or on behalf of, or for the benefit of, an enemy or ally of enemy.

**APPLICATIONS FOR REGISTRATION CERTIFICATES AND EXPORT LICENSES, PROVIDED FOR HEREUNDER, BY PERSONS RESIDING IN ANY DEPENDENCY OF THE UNITED STATES.**

Applications to the Federal Reserve Board either for registration certificates or for licenses to export coin, bullion or currency may be

<sup>1</sup> This SUPPLEMENT, October, 1917, p. 210.



made by persons residing in any dependency of the United States (including the Philippine Islands, Alaska, Guam, Hawaii, Porto Rico, Virgin Islands, and Canal Zone) through such agency located in any such dependency as may be hereafter designated by the Federal Reserve Board, instead of through a Federal Reserve Bank; but until an agency has been so designated in any such dependency, persons residing therein may make such applications through any Federal Reserve Bank. The Federal Reserve Board may from time to time postpone, in respect of any one or more of such dependencies, the date on and after which persons residing therein shall be prohibited from engaging in any of the transactions or making any transfer hereinbefore prohibited without having obtained registration certificates, in case such registration certificates can not be obtained on or before the date hereinbefore specified.

WOODROW WILSON.

THE WHITE HOUSE,  
26 January, 1918.

PROCLAMATION PROHIBITING CERTAIN IMPORTS EXCEPT UNDER LICENSE.<sup>1</sup>

*November 28, 1917.*

WHEREAS Congress has enacted, and the President has on the Sixth day of October, 1917, approved, a law <sup>2</sup> which contains the following provisions:

Whenever during the present war the President shall find that the public safety so requires and shall make proclamation thereof it shall be unlawful to import into the United States from any country named in such proclamation any article or articles mentioned in such proclamation except at such time or times, and under such regulations or orders, and subject to such limitations and exceptions as the President shall prescribe, until otherwise ordered by the President or by Congress: Provided, however, that no preference shall be given to the ports of one State over those of another.

NOW, THEREFORE, I, WOODROW WILSON, PRESIDENT OF THE UNITED STATES OF AMERICA, DO HEREBY PROCLAIM to all whom it may concern that the public safety requires that the following articles, namely: antimony, antimony ore, or any chemical extracted therefrom; asbestos; beans of all kinds; balata; burlap; castor seed, castor oil; cotton; chrome, chrome ore, or any ferro-alloy or chemical extracted therefrom; cocoanut oil; cobalt, cobalt ore, or any ferro-alloy or chemical extracted therefrom; copra; industrial diamonds; all ferro-alloys; flax; gutta joolatong; gutta percha; gutta siak; hemp; hides and skins; jute; iridium; leather; manganese, manganese ore, or any ferro-alloy or chemical extracted therefrom; mica, molybdenum,

<sup>1</sup> No. 1411.

<sup>2</sup> This SUPPLEMENT, January, 1918, p. 27.

molybdenum ore, or any ferro-alloy or chemical extracted therefrom; naxos emery and naxos emery ore; nickel, nickel ore, matte, or any ferro-alloy or chemical extracted therefrom; sodium, potassium, or calcium nitrates; optical glass; palm oil; platinum; plumbago; pyrites; rice; rubber, raw, reclaimed, waste or scrap; scheelite; shellac; sisal; soya bean oil; spiegeleisen; sugars; tanning materials; tin in bars, blocks, pigs, or grain or granulated; tin ore and tin concentrates, or any chemical extracted therefrom; titanium, titanium ore, or any ferro-alloy or chemical extracted therefrom; tobacco; tungsten, tungsten ore, or any ferro-alloy or chemical extracted therefrom; vanadium, vanadium ore, or any ferro-alloy or chemical extracted therefrom; wheat and wheat flour; wolframite; or wool, shall not, from and after the date of this proclamation, be imported into the United States or its territorial possessions from Abyssinia, Afghanistan, Albania, Argentina, Austria-Hungary, Belgium, her colonies, possessions and protectorates, Bolivia, Brazil, Bulgaria, China, Chile, Colombia, Costa Rica, Cuba, Denmark, her colonies, possessions and protectorates, Dominican Republic, Ecuador, Egypt, France, her colonies, possessions and protectorates, Germany, her colonies, possessions and protectorates, Great Britain, her colonies, possessions and protectorates, Greece, Guatemala, Haiti, Honduras, Italy, her colonies, possessions and protectorates, Japan, Liechtenstein, Liberia, Luxembourg, Mexico, Monaco, Montenegro, Morocco, Nepal, The Netherlands, her colonies, possessions and protectorates, Nicaragua, Norway, Oman, Panama, Paraguay, Persia, Peru, Portugal, her colonies, possessions and protectorates, Roumania, Russia, Salvador, San Marino, Serbia, Siam, Spain, her colonies, possessions and protectorates, Sweden, Switzerland, Turkey, Uruguay, or Venezuela, except under license granted by the War Trade Board in accordance with regulations or orders and subject to such limitations and exceptions as have heretofore been made or shall hereafter be prescribed in pursuance of the powers conferred by said Act of October 6, 1917, and the Executive Order of October 12, 1917.<sup>1</sup>

In Witness Whereof, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE in the District of Columbia, this 28th day of November  
in the year of our Lord One Thousand Nine Hundred and  
[SEAL] Seventeen and of the Independence of the United States  
of America the One Hundred and Forty-second.

WOODROW WILSON.

By the President,  
ROBERT LANSING  
*Secretary of State.*

<sup>1</sup> This SUPPLEMENT, January, 1918, p. 51.

PROCLAMATION RELATING TO IMPORTS IN TIME OF WAR.<sup>1</sup>

*February 14, 1918.*

WHEREAS Congress has enacted, and the President has on the Sixth day of October, 1917, approved, a law<sup>2</sup> which contains the following provisions:

Whenever during the present war the President shall find that the public safety so requires and shall make proclamation thereof it shall be unlawful to import into the United States from any country named in such proclamation any article or articles mentioned in such proclamation except at such time or times, and under such regulations or orders, and subject to such limitations and exceptions as the President shall prescribe, until otherwise ordered by the President or by Congress: Provided, however, that no preference shall be given to the ports of one State over those of another.

And whereas the President has heretofore by proclamation dated November 28, 1917,<sup>3</sup> declared certain imports in time of war unlawful, and the President now finds that the public safety requires that such proclamation be amended and supplemented in respect to the articles and countries hereinafter mentioned;

NOW, THEREFORE, I, WOODROW WILSON, PRESIDENT OF THE UNITED STATES OF AMERICA, DO HEREBY PROCLAIM to all whom it may concern that the public safety requires that the following articles, namely: all kinds of arms, guns, ammunition and explosives, machines for their manufacture or repair, component parts thereof, materials or ingredients used in their manufacture, and all articles necessary or convenient for their use; all contrivances for or means of transportation on land or in the water or air, machines used in their manufacture or repair, component parts thereof, materials or ingredients used in their manufacture, and all instruments, articles and animals necessary or convenient for their use; all means of communication, tools, implements, instruments, equipment, maps, pictures, papers and other articles, machines and documents necessary or convenient for carrying on hostile operations; all kinds of fuel, food, foodstuffs, feed, forage and clothing, and all articles and materials used in their manufacture; all chemicals, drugs, dyestuffs and tanning materials; cotton, wool, silk, flax, hemp, jute, sisal and other fibers and manufactures thereof; all earths, clay, glass, sand, stone, and their products; animals of every kind, their products and derivatives; hides, skins and manufactures thereof; all non-edible animal and vegetable products; all machinery, tools, dies, plates, and apparatus, and ma-

<sup>1</sup> No. 1429.

<sup>2</sup> This SUPPLEMENT, January, 1918, p. 27.

<sup>3</sup> *Supra*, p. 322.

terials necessary or convenient for their manufacture; medical, surgical, laboratory and sanitary supplies and equipment; all metals, minerals, mineral oils, ores, and all derivatives and manufactures thereof; paper pulp, books and all printed matter, and materials necessary and convenient for their manufacture; rubber, gums, rosins, tars and waxes, their products, derivatives and substitutes, and all articles containing them; wood and wood manufactures; coffee, cocoa, tea and spices; wines, spirits, mineral waters and beverages; and all other articles of any kind whatsoever, shall not, on and after the sixteenth day of February, in the year One Thousand Nine Hundred and Eighteen, be imported into the United States or its territorial possessions from Abyssinia, Afghanistan, Albania, Argentina, Austria-Hungary, Belgium, her colonies, possessions and protectorates, Bolivia, Brazil, Bulgaria, China, Chile, Colombia, Costa Rica, Cuba, Denmark, her colonies, possessions and protectorates, Dominican Republic, Ecuador, Egypt, France, her colonies, possessions and protectorates, Germany, her colonies, possessions and protectorates, Great Britain, her colonies, possessions and protectorates, Greece, Guatemala, Haiti, Honduras, Italy, her colonies, possessions and protectorates, Japan, Liechtenstein, Liberia, Luxembourg, Mexico, Monaco, Montenegro, Morocco, Nepal, The Netherlands, her colonies, possessions and protectorates, Nicaragua, Norway, Oman, Panama, Paraguay, Persia, Peru, Portugal, her colonies, possessions and protectorates, Roumania, Russia, Salvador, San Marino, Serbia, Siam, Spain, her colonies, possessions and protectorates, Sweden, Switzerland, Turkey, Uruguay, or Venezuela, except under license granted in accordance with regulations or orders and subject to such limitations and exceptions as have heretofore been, or shall hereafter be prescribed in pursuance of the powers conferred by said Act of October 6, 1917. The said proclamation of November 28, 1917, and paragraph III of the executive order of October 12, 1917,<sup>1</sup> are hereby confirmed and continued and all rules and regulations heretofore made in connection therewith or in pursuance thereof are likewise hereby confirmed and continued and made applicable to this proclamation.

In Witness Whereof, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE in the District of Columbia, this 14th day of February  
in the year of our Lord One Thousand Nine Hundred  
[SEAL.] and Eighteen and of the Independence of the United  
States of America the One Hundred and Forty-Second.

WOODROW WILSON.

By the President,

ROBERT LANSING

*Secretary of State.*

<sup>1</sup> This SUPPLEMENT, January, 1918, p. 51.

EXECUTIVE ORDER AMENDING PARAGRAPH 20 OF THE NAVIGATION RULES  
AND REGULATIONS OF THE PANAMA CANAL.<sup>1</sup>

*July 26, 1918.*

By virtue of the authority vested in me, I hereby establish the following Executive Order for the Canal Zone:

Section 1. Paragraph 20 of the Executive Order of July 9, 1914,<sup>2</sup> entitled "Rules and Regulations for the Operation and Navigation of The Panama Canal and approaches thereto, including all waters under its jurisdiction," is hereby amended to read as follows:

"20. The captain or master of a vessel in Canal waters, except while the vessel is being passed through the locks, shall be charged with the safe handling and proper navigation of the vessel; the pilot is to be considered as being on board solely in an advisory capacity, but masters of vessels must abide by rules and regulations of the Canal as interpreted by the pilot. No claim against The Panama Canal for damages on account of injury to a vessel or its cargo while in Canal Zone waters, arising from the operation of the Canal (other than the passing of vessels through the locks) shall be allowed unless it shall be determined by the Governor of The Panama Canal that such injury was due to the negligence or want of care on the part of agents or employees of The Panama Canal, and there shall be an appropriation available for the payment of such claim."

Section 2. This order shall take effect from and after this date.

WOODROW WILSON.

THE WHITE HOUSE,  
26 July, 1918.

AN ACT TO PREVENT IN TIME OF WAR DEPARTURE FROM OR ENTRY INTO  
THE UNITED STATES CONTRARY TO THE PUBLIC SAFETY.<sup>3</sup>

*Approved May 22, 1918.*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That when the United States is at war, if the President shall find that the public safety requires that restrictions and prohibitions in addition to those provided otherwise than by this Act be imposed upon the departure of persons from and their entry into the United States, and shall*

<sup>1</sup> No. 2926.

<sup>2</sup> This SUPPLEMENT, January, 1916, p. 27.

<sup>3</sup> Public—No. 154—65th Congress.

make public proclamation thereof, it shall, until otherwise ordered by the President or Congress, be unlawful—

(a) For any alien to depart from or enter or attempt to depart from or enter the United States except under such reasonable rules, regulations, and orders, and subject to such limitations and exceptions as the President shall prescribe;

(b) For any person to transport or attempt to transport from or into the United States another person with knowledge or reasonable cause to believe that the departure or entry of such other person is forbidden by this Act;

(c) For any person knowingly to make any false statement in an application for permission to depart from or enter the United States with intent to induce or secure the granting of such permission either for himself or for another;

(d) For any person knowingly to furnish or attempt to furnish or assist in furnishing to another a permit or evidence of permission to depart or enter not issued and designed for such other person's use;

(e) For any person knowingly to use or attempt to use any permit or evidence of permission to depart or enter not issued and designed for his use;

(f) For any person to forge, counterfeit, mutilate, or alter, or cause or procure to be forged, counterfeited, mutilated, or altered, any permit or evidence of permission to depart from or enter the United States;

(g) For any person knowingly to use or attempt to use or furnish to another for use any false, forged, counterfeited, mutilated, or altered permit, or evidence of permission, or any permit or evidence of permission which, though originally valid, has become or been made void or invalid.

SEC. 2. That after such proclamation as is provided for by the preceding section has been made and published and while said proclamation is in force, it shall, except as otherwise provided by the President, and subject to such limitations and exceptions as the President may authorize and prescribe, be unlawful for any citizen of the United States to depart from or enter or attempt to depart from or enter the United States unless he bears a valid passport.

SEC. 3. That any person who shall wilfully violate any of the provisions of this Act, or of any order or proclamation of the President promulgated, or of any permit, rule, or regulation issued thereunder, shall, upon conviction, be fined not more than \$10,000, or, if a natural person, imprisoned for not more than twenty years, or both; and the officer, director, or agent of any corporation who knowingly participates in such violation shall be punished by like fine or imprisonment, or both; and any vehicle or any vessel, together with its or her appurtenances, equipment, tackle, apparel, and

furniture, concerned in any such violation, shall be forfeited to the United States.

SEC. 4. That the term "United States" as used in this Act includes the Canal Zone and all territory and waters, continental or insular, subject to the jurisdiction of the United States.

The word "person" as used herein shall be deemed to mean any individual, partnership, association, company, or other unincorporated body of individuals, or corporation, or body politic.

PROCLAMATION RELATING TO THE ISSUANCE OF PASSPORTS AND THE GRANTING OF PERMITS TO DEPART FROM AND ENTER THE UNITED STATES.<sup>1</sup>

*August 8, 1918.*

WHEREAS by Act of Congress approved the twenty-second day of May, one thousand nine hundred and eighteen, entitled "An Act to Prevent in Time of War Departure From and Entry Into the United States Contrary to the Public Safety," it is provided as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That when the United States is at war, if the President shall find that the public safety requires that restrictions and prohibitions in addition to those provided otherwise than by this Act be imposed upon the departure of persons from and their entry into the United States, and shall make public proclamation thereof, it shall, until otherwise ordered by the President or Congress, be unlawful—

(a) For any alien to depart from or enter or attempt to depart from or enter the United States except under such reasonable rules, regulations, and orders, and subject to such limitations and exceptions as the President shall prescribe;

(b) For any person to transport or attempt to transport from or into the United States another person with knowledge or reasonable cause to believe that the departure or entry of such other person is forbidden by this Act;

(c) For any person knowingly to make any false statement in an application for permission to depart from or enter the United States with intent to induce or secure the granting of such permission either for himself or for another;

(d) For any person knowingly to furnish or attempt to furnish or assist in furnishing to another a permit or evidence of permission to depart or enter not issued and designed for such other person's use;

(e) For any person knowingly to use or attempt to use any permit or evidence of permission to depart or enter not issued and designed for his use;

(f) For any person to forge, counterfeit, mutilate, or alter, or cause or procure to be forged, counterfeited, mutilated, or altered, any permit or evidence of permission to depart from or enter the United States;

(g) For any person knowingly to use or attempt to use or furnish to another for use any false, forged, counterfeited, mutilated, or altered permit, or evidence of permission, or any permit or evidence of permission which, though originally valid, has become or been made void or invalid.

Sec. 2. That after such proclamation as is provided for by the preceding

<sup>1</sup> No. 1473.

section has been made and published and while said proclamation is in force, it shall, except as otherwise provided by the President, and subject to such limitations and exceptions as the President may authorize and prescribe, be unlawful for any citizen of the United States to depart from or enter or attempt to depart from or enter the United States unless he bears a valid passport.

Sec. 3. That any person who shall wilfully violate any of the provisions of this Act, or of any order or proclamation of the President promulgated, or of any permit, rule, or regulation issued thereunder, shall, upon conviction, be fined not more than \$10,000, or, if a natural person, imprisoned for not more than twenty years, or both; and the officer, director, or agent of any corporation who knowingly participates in such violation shall be punished by like fine or imprisonment, or both; and any vehicle or any vessel, together with its or her appurtenances, equipment, tackle, apparel, and furniture, concerned in any such violation, shall be forfeited to the United States.

Sec. 4. That the term "United States" as used in this Act includes the Canal Zone and all territory and waters, continental or insular, subject to the jurisdiction of the United States.

The word "person" as used herein shall be deemed to mean any individual, partnership, association, company, or other unincorporated body of individuals, or corporation, or body politic.

AND WHEREAS other provisions relating to departure from and entry into the United States are contained in Section 3, sub-section (b), of the Trading with the Enemy Act, approved October 6, 1917,<sup>1</sup> and in Section four thousand and sixty-seven of the Revised Statutes, as amended by the Act of April 16, 1918,<sup>2</sup> and Sections four thousand and sixty-eight, four thousand and sixty-nine, and four thousand and seventy of the Revised Statutes, and in the regulations prescribed in the President's Proclamations of April 6, 1917,<sup>3</sup> November 16, 1917,<sup>4</sup> December 11, 1917,<sup>4</sup> and April 19, 1918;<sup>5</sup>

AND WHEREAS the Act of May 20, 1918, authorizes me to coordinate and consolidate executive agencies and bureaus in the interest of economy and more efficient concentration of the Government;

Now, THEREFORE, I, Woodrow Wilson, President of the United States of America, acting under and by virtue of the aforesaid authority vested in me, do hereby find and publicly proclaim and declare that the public safety requires that restrictions and prohibitions in addition to those provided otherwise than by the Act of May 22, 1918, above mentioned, shall be imposed upon the departure of persons from and their entry into the United States; and I make the following orders thereunder:

1. No citizen of the United States shall receive a passport entitling him to leave or enter the United States, unless it shall affirmatively appear that there are adequate reasons for such departure or entry and that such departure or entry is not prejudicial to the interests of the United States.

<sup>1</sup> This SUPPLEMENT, January, 1918, p. 27.

<sup>2</sup> *Supra*, p. 274.

<sup>3</sup> This SUPPLEMENT, July, 1917, p. 152.

<sup>4</sup> *Ibid.*, January, 1918, pp. 4 and 9.

<sup>5</sup> *Supra*, p. 275.



2. No alien shall receive permission to depart from or enter the United States unless it shall affirmatively appear that there is reasonable necessity for such departure or entry and that such departure or entry is not prejudicial to the interests of the United States.

3. The provisions of this proclamation and the rules and regulations promulgated in pursuance hereof, shall not be held to suspend or supersede in any respect, except as herein expressly provided, the President's Proclamations of April 6, 1917, November 16, 1917, December 11, 1917, and April 19, 1918, above referred to; nor shall anything contained herein be construed to suspend or supersede any rules or regulations issued under the Chinese Exclusion law or the immigration laws except as herein expressly provided; but the provisions hereof shall, subject to the provisos above mentioned, be regarded as additional to such rules and regulations. Compliance with this Proclamation and the rules and regulations promulgated in pursuance hereof shall not exempt any individual from the duty of complying with any statute, proclamation, order, rule, or regulations not referred to herein.

4. I hereby designate the Secretary of State as the official who shall grant, or in whose name shall be granted, permission to aliens to depart from or enter the United States; I reaffirm sections 25, 26, and 27 of the Executive Order of October 12, 1917,<sup>1</sup> vesting in the Secretary of State the administration of the provisions of Section 3, sub-section (b), of the Trading with the Enemy Act; I transfer to the Secretary of State the executive administration of Regulations 9 and 10 of the President's Proclamation of April 6, 1917, of Regulation 15 of the President's Proclamation of November 16, 1917, and of Regulations 1 and 2 of the President's Proclamation of December 11, 1917, and the executive administration of the aforesaid regulations as extended by the President's Proclamation of April 19, 1918, said executive administration heretofore having been delegated to the Attorney General under dates of April 6, 1917, November 16, 1917, December 11, 1917, and April 19, 1918. The Rules and Regulations made by the Secretary of the Treasury as authorized by Title II, Section 1, of the Espionage Act approved June 15, 1917,<sup>2</sup> and by the Proclamation of December 3, 1917,<sup>3</sup> shall be superseded by this Proclamation and the rules and regulations promulgated in pursuance hereof in so far as they are inconsistent therewith.

I hereby direct all departments of the government to cooperate with the Secretary of State in the execution of his duties under this Proclamation and the rules and regulations promulgated in pursuance hereof. They shall upon his request make available to him for that purpose the services of their respective officials and agents. The

<sup>1</sup> This SUPPLEMENT, January, 1918, p. 51.

<sup>2</sup> *Ibid.*, October, 1917, p. 178.

<sup>3</sup> No. 1413.

Secretary of the Treasury, the Secretary of War, the Attorney General, the Secretary of the Navy, the Secretary of Commerce, and the Secretary of Labor shall, at the request of the Secretary of State, each appoint a representative to render to the Secretary of State, or his representative, such assistance and advice as he may desire respecting the administration of this Proclamation and of the rules and regulations aforesaid.

In Witness Whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE in the District of Columbia, this 8th day of August in the year of our Lord one thousand nine hundred and [SEAL] eighteen, and of the Independence of the United States the one hundred and forty-third.

WOODROW WILSON.

By the President:

ROBERT LANSING  
*Secretary of State.*

EXECUTIVE ORDER PRESCRIBING RULES AND REGULATIONS GOVERNING THE  
ISSUANCE OF PERMITS TO ENTER AND LEAVE THE UNITED STATES.<sup>1</sup>

*August 8, 1918.*

Supplemental to the Presidential Proclamation of August 8, 1918,<sup>2</sup> and by virtue of the authority set forth therein, I hereby prescribe the following rules and regulations governing departure from and entry into the United States.

*Section 1.*

The present system of controlling entry into and departure from the United States by alien enemies and other persons, as administered by the Department of State, the Department of the Treasury, the Department of Justice, the Department of Commerce, and the Department of Labor, is hereby confirmed and established by virtue of the authority vested in me as aforesaid and shall continue in full force and effect in the continental United States as defined herein until six o'clock in the forenoon of September 15, 1918, and in the outlying possessions of the United States until such time or times as the Secretary of State shall designate; when the following rules and regulations shall become operative and shall supersede all rules, regulations, and orders of the present system inconsistent with them; but the Secretary of State may direct at any time subsequent to the date hereof that seamen be kept on their vessels. (See Section 10 (c), *infra*.) The Secretary of State is hereby authorized, in his dis-

<sup>1</sup> No. 2032.

<sup>2</sup> *Supra*, p. 328.

cretion, to prescribe exceptions to these rules and regulations governing the entry into and departure from the United States of citizens and subjects of the nations associated with the United States in the prosecution of the war.

## TITLE 1.

### *Definitions.*

#### *Section 2.*

The term "United States" as defined in the Act of May 22, 1918, and as used herein includes the Canal Zone and all territory and waters, continental and insular, subject to the jurisdiction of the United States.

#### *Section 3.*

The term "continental United States" as used herein includes the territory of the several States of the United States and Alaska.

#### *Section 4.*

The term "departure from the United States" as used herein includes, in addition to any entry whatever upon foreign territory or waters, any trip or journey on or over (1) the Great Lakes or their connecting waters, (2) any rivers or other waters coinciding with or covering the boundary of the United States, or (3) tidal waters beyond the shore line of the United States, said shore line being hereby defined as the line of sea coast and the shores of all waters of the United States and its territorial possessions connected with the high seas and navigable by ocean going vessels. Provided, however, that no trip or journey upon a public ferry having both termini in the United States and not touching foreign territory or waters shall be deemed a departure from the United States.

#### *Section 5.*

The term "passport" as used herein includes any document in the nature of a passport issued by the United States or by a foreign government, which shows the identity and nationality of the individual for whose use it was issued and bears his signed and certified photograph.

#### *Section 6.*

The granting of a "permit" or "permission" to leave or enter the United States, as the terms are used herein, shall be construed to include the granting of a license under Section 3 (b) of the "Trading with the Enemy Act" whenever such license is essential to the lawful transportation of the person to whom the permit is granted. Wherever it is provided explicitly or by implication that any person may depart from or enter the United States without a permit or permission under these regulations, such provision of itself shall be construed as a license under said Section 3 (b) authorizing the transportation of such persons within the limits covered by the provision.

*Section 7.*

The term "seaman" as used herein includes, in addition to the persons ordinarily described thereby, sea-going fishermen and all owners, masters, officers, and members of crews and other persons employed on vessels which for purposes of business or pleasure cruise on tidal waters beyond the shore line or on the Great Lakes.

*Section 8.*

The term "hostile aliens" includes—

(a) All persons who are alien enemies as now or hereafter defined by statute; or by proclamation of the President; and

(b) All subjects or citizens of enemy or ally of enemy nations.

## TITLE 2.

*Limitations upon and Exceptions to the Application of the Act of May 22, 1918.**Section 9.*

The following general limitations upon and exceptions to the application of the Act of May 22, 1918, are authorized and prescribed:

(a) No passports or permits to depart from or enter the United States shall be required of persons *other than hostile aliens* travelling between ports of the continental United States on vessels making no intermediate calls at foreign or non-continental ports. *Hostile aliens must obtain permits for all departures from, and entries into, the United States.*

(b) No passports or permits to depart from or enter the United States shall be required of persons *other than hostile aliens* travelling between points in the continental United States and points in Canada or Bermuda, or passing through Canada on a trip between two points in the continental United States, except as provided and required by Title 3 of these regulations. This exception is not applicable to persons going from the continental United States via Canada to other places outside of the continental United States. Persons *other than hostile aliens* starting from Newfoundland for the United States shall not be required to obtain visas or verifications from the American Consul in Newfoundland. (As to hostile aliens, see 9 (a), *supra*.)

(c) No passports or permits to depart from or enter the United States shall be required of persons in or attached to the military or naval forces of the United States or of any nation associated with the United States in the prosecution of the war, provided that such persons when in or attached to the military or naval forces of a nation so associated with the United States shall be identified and vouched for to the Secretary of State by a duly authorized representative of such nation; and provided further that when persons in or attached to such military or naval forces travel separately or otherwise than in regular commands they shall bear certificates issued by the War or

Navy Department of the United States or by a duly authorized representative of an associated nation, adequately establishing the identity of the bearers and their connection with the military or naval forces aforesaid. Nothing herein shall be construed to prevent a citizen of the United States, if a member of or attached to the military or naval forces of any country, from entering or leaving the United States provided he bears a valid passport in lieu of the certificate of identification above described. All such departures shall, however, be subject to the requirements of Title 3 of these regulations. The limitations and exceptions aforesaid are subject to the provisions of Section 38 hereof.

*Section 10.*

The following limitations upon and exceptions to the application of Section 1, subsection (a) of the Act of May 22, 1918, are prescribed:

(a) Aliens need not present permits in the usual form for travel across the Mexican border provided that they bear valid permits to cross and recross the border at specified points issued by an immigrant inspector. In applying for these border permits they shall fill out such forms, furnish such photographs, and answer such inquiries as the immigrant inspector shall require. The special permits so issued shall be valid for travel across the Mexican border for such limited period and for passage across the border at such specifically defined points as the issuing inspectors shall note on the permits. Except as otherwise provided by the Secretary of State, such permits shall be issued only to persons residing within ten miles of the border and shall be valid for travel only to points not more than ten miles beyond the border. Aliens entering Mexico with border permits must have such permits visaed by a diplomatic or consular representative of the United States in Mexico before returning to the United States unless the Secretary of State shall otherwise provide. Hostile aliens shall not be given permits to cross the Mexican border without special authorization from the Secretary of State.

(b) Hostile aliens residing in Canada or the United States may secure special permits allowing them to cross the border between the two countries by making application therefor to the representative of the Bureau of Immigration of the Department of Labor stationed nearest their place of residence. In applying for such permits they shall fill out such forms, furnish such photographs and answer such inquiries as the official receiving the application shall require. The special permits so issued shall be valid for such limited period, for passage across the border at such specifically defined points, and for such number of crossings as the issuing officials shall note on the permits.

(c) Aliens who are seamen on vessels arriving at ports of the United States and who desire to land in the country shall apply to

an immigrant inspector. They shall submit to such immigrant inspector satisfactory evidence of their nationality and furnish such photographs and execute such forms and applications as the immigrant inspector shall require. The immigrant inspector may thereupon issue identity cards authorizing such seamen to land in the United States, unless the Secretary of State directs that they be kept on their vessels.

(d) Alien seamen desiring to sail from the United States shall submit satisfactory evidence of nationality to the United States customs inspectors stationed at the port of departure. If such applicants have landed in the United States since the date on which these regulations became effective at their port of arrival they shall further submit the identity cards issued by the immigrant inspector permitting them to land in the country. Said identity cards shall be stamped by the customs officials, if permission is given the applicants to depart, and such cards so stamped shall be the evidence of such permission. In case an applicant for permission to sail under this paragraph has not entered the United States since these regulations became effective, he shall apply to a collector of customs for an identity card and permission to sail. In making such application he shall submit satisfactory evidence of his nationality and furnish such photographs and execute such forms and applications as the collector of customs shall require.

(e) Identity cards issued to alien seamen as provided by the foregoing paragraphs (c) and (d) shall be retained by the seamen to whom they are issued and used by the holders from time to time as they land in and sail from the United States. An alien seaman bearing such card shall have the same validated for landing or sailing by the immigration or customs authorities respectively on each occasion when he applies for permission to land at or sail from a United States port.

(f) Aliens passing through the United States en route between two foreign points and not remaining in the United States more than thirty days shall make application for permission to depart through the immigration official acting as control officer at the point where they enter the United States. Such permission, if granted, will be given by the official acting as control officer at the designated point of departure. Nothing herein shall be construed as requiring a permit for departure from a transient alien in case such permit would not have been necessary if the journey to his final destination had commenced in the United States. A transient will be required to depart from the United States at the earliest date practicable. He shall submit to the immigrant inspector his itinerary to the port of departure, which shall be by the most direct route reasonably available, and upon obtaining approval of the same, he shall proceed immediately to the port of departure. Upon arrival at said port, he

shall report forthwith to the customs officers. For all deviations and delays special permission must be obtained from the Secretary of State.

(g) No permits to depart from or enter the United States shall be required of officials or representatives of foreign countries duly accredited to the United States or a friendly country provided that such persons bear valid passports and provided further that the Department of State is notified in advance of their intended entry or departure and consents thereto. Such officials, however, when desiring to enter the United States shall have their passports visaed by a diplomatic or consular officer of the United States in the country from which they come and in the country from which they embark for or enter the United States; and such officials desiring to depart from the United States shall have their passports visaed by the Department of State.

Nothing in the foregoing paragraphs (a) to (g) inclusive shall be construed to prevent the entry or departure of an alien at the Mexican or Canadian border, of an alien seaman at a United States port, or of a transient alien at any point, provided he bears a valid permit for such entry or departure issued in accordance with Title 6 or Title 7 hereof.

*Section 11.*

The following limitations upon and exceptions to the application of Section 2 of the Act of May 22, 1918, are authorized and prescribed:

(a) Citizens of the United States travelling between United States ports not within the continental United States, or between such ports and ports within the continental United States, on vessels making no intermediate calls at foreign ports other than those of Canada, or Bermuda, shall not be required to bear passports provided that they have received from the immigrant inspector at the port of departure United States citizens' identity cards. Applicants for such cards shall supply such photographs and execute such forms and applications as the immigrant inspectors require. When applications for such cards are made in dependencies of the United States where no immigrant inspectors are stationed they shall be made to the Governors of such dependencies or their representatives duly appointed for the purpose: provided that employees of the Panama Canal and the Panama Railroad Company and members of their families, civilian employees of the United States and members of their families, and the families of members of the Army and Navy, travelling between the continental United States and the Panama Canal Zone, may carry identity certificates issued by The Panama Canal in lieu of passports or identity cards issued by immigration officials.

(b) Citizens of the United States travelling across the Mexican

border shall not be required, unless otherwise ordered by the Secretary of State, to bear passports provided that they have received citizens' identity cards from immigrant inspectors at the points where they depart from or enter the United States. Such identity cards shall be applied for in accordance with the preceding paragraph (a). Except as otherwise provided by the Secretary of State, such identity cards shall be issued only to persons residing within ten miles of the border and shall be valid for travel to points not more than ten miles beyond the border. Citizens entering Mexico without passports and with identity cards must have such cards verified by a diplomatic or consular representative of the United States in Mexico before returning to the United States, unless the Secretary of State shall otherwise provide.

(c) Citizens of the United States who are seamen upon vessels entering or leaving ports of the United States shall not be required to bear passports provided that they bear seamen's certificates of American citizenship issued by collectors of the ports of the United States as provided for in Section 4588 of the Revised Statutes. Citizens applying for such certificates shall supply such photographs and execute such forms and applications as the collectors shall require. No identity card other than a passport or a seaman's certificate shall be issued to a seaman who is a citizen of the United States.

Nothing in the foregoing paragraphs (a), (b), and (c) shall be construed to prevent the use of a valid passport by any seaman or other citizen referred to in said paragraphs in lieu of a seaman's certificate or identity card as described therein.

### TITLE 3.

#### *General Regulations.*

##### *Persons Liable to Military Service.*

###### *Section 12.*

No person registered or enrolled or subject to registry or enrollment for military service in the United States shall depart from the United States without the previous consent of the Secretary of War or such person or persons as he may appoint to give such consent. The Secretary of State shall issue no passport or permit entitling such person to depart without securing satisfactory evidence of such consent. Reference should be had to Section 156, Selective Service Regulations, and amendments thereto.



## TITLE 4.

*American citizens: Departure and Entry.**Section 13.*

## Issue of Passports.

The "Rules Governing the Granting and Issuing of Passports in the United States" as established on January 24, 1917, are continued in force without change.

*Section 14.*

## Verification of Passports in Foreign Countries.

Passports are not valid for return to the United States unless verified in the country from which the holder starts on his journey to the United States and further verified in the foreign country from which he embarks for or enters the United States. No fee shall be collected by diplomatic or consular officers of the United States for or in connection with such verification.

## ALIENS' PERMITS TO DEPART AND ENTER.

## TITLE 5.

*Permit Agents.**Section 15.*

The officials designated in the appendix hereto are hereby appointed Permit Agents for the purpose of receiving from aliens applications for permits to depart from the United States. No Permit Agents have been designated in Tutuila, Manua, Guam, or Wake Island, as it is believed that travel from these points will not necessitate such appointments. For the time being persons desiring to leave any of these insular possessions may do so without securing permission hereunder.

*Section 16.*

Representatives of the Bureau of Immigration of the Department of Labor, stationed in Canada or on the Canadian border, and all diplomatic and consular officers of the United States in foreign countries are hereby appointed Permit Agents for the purpose of receiving from aliens applications for permits to enter the United States.

*Section 17.*

The Secretary of State is authorized to designate and appoint additional Permit Agents from time to time as he may deem advisable, and to revoke their appointments or the appointments of any Permit Agent aforementioned. All Permit Agents hereby or hereafter appointed are hereby authorized to administer any oath or

affirmation required in these rules and regulations or in any amendment hereof or addition hereto. All persons empowered to issue special permits referred to in sections 10 and 11 hereof are hereby authorized to administer to applicants any oaths or affirmations deemed necessary in connection with their applications.

## TITLE 6.

### *Permits to Depart.*

#### *Section 18.*

Except in cases for which special regulations are hereinbefore provided, any alien desiring to depart from the United States shall apply for a permit to the Permit Agent located nearest to the last residence of the applicant. Any Permit Agent is authorized to receive an application to depart if it appears that the applicant would be caused unreasonable hardship or delay if required to apply to the Permit Agent nearest his last residence.

#### *Section 19.*

Each applicant shall submit to the Permit Agent, for transmission to Washington if required, a passport issued for his use by the Government to which he owes allegiance or by a duly authorized diplomatic or consular officer thereof, or of the country representing in the United States the interests of his country. Such passports must have been issued, renewed or visaed by a duly authorized representative of said Government, or of the country representing its interests in the United States, within ten days prior to the time of the application. Aliens who by reason of doubtful nationality, lack of nationality, or any other cause, are unable to secure passports may be granted permission to depart in the discretion of the Secretary of State.

#### *Section 20.*

If the application is made to a Permit Agent located east of the Mississippi River, the application shall be made at least fourteen and not more than twenty-eight days before the date set for departure. If the Permit Agent is located west of the Mississippi River, the application shall be made at least eighteen days and not more than twenty-eight days before the date set for departure. In special cases additional time will be required for adequate investigation.

#### *Section 21.*

Applications for permission to depart from the United States shall be made upon forms provided for the purpose by the Permit Agents and shall be executed by applicants according to the instructions printed thereon. Substantial copies of such forms and instructions are contained in the Appendix to these regulations.

#### *Section 22.*

Applications shall be executed in triplicate. All copies shall be

personally signed and sworn to by the applicant before the Permit Agent. The Permit Agent shall fill in the name of the applicant on the left hand margin of the application, and also the blanks for applicant's description. The remainder of the application need not be filled out by or in the presence of the Permit Agent. If the applicant has conscientious scruples against taking an oath, he may make affirmation to the truth of his statements and answers in the application.

*Section 23.*

Each application shall be accompanied by four unmounted photographs of the applicant, not smaller than two by two inches nor larger than three by three inches in size, on thin paper with a light background. If the applicant is able to write, he shall sign all four photographs across the front thereof so as not to obscure the features.

*Section 24.*

A married woman accompanying her husband, or a child or children under fourteen years of age accompanying either parent, may be included in the permit granted to the husband or parent and in such case will not be required to make a separate application. Photographs of persons so included in a husband's or parent's application must be furnished. Group photographs may be used in such cases.

*Section 25.*

Every applicant shall furnish to the Permit Agent, in addition to any particulars required to be inserted in answer to the printed questions on the application blank, any information which may reasonably be required for the purpose of passing upon his application or for ascertaining the correctness of the particulars stated thereon or otherwise.

*Section 26.*

Upon complying with these regulations, an applicant shall receive from the Permit Agent a card showing that the application for permission to depart has been filed. This card is not a permit to depart from the United States but is merely a receipt for the application, and for the passport if that has been retained.

*Section 27.*

Within seven days prior to the proposed date of departure from the United States, the applicant shall again appear before the Permit Agent who received his application. At this time, or as soon thereafter as his case is decided, he shall receive back his passport and, if permission to depart from the United States is granted, the Permit Agent shall affix applicant's photograph to the receipt card previously issued and shall note thereon the fact that such permission has been given. The card then becomes a provisional permit to depart from the United States and must be preserved carefully for

presentation to the proper officials at the point of departure. Such provisional permit is subject to revocation at any time without notice.

*Section 28.*

An applicant desiring to leave the place where he makes application for permission to depart before receiving notice of the final action may arrange with the Permit Agent at the time of application that the provisional permit to depart, if granted, shall be given through a Permit Agent at some other point. The application receipt card, in such case, shall contain a note to the effect that final action is to be taken by another designated Permit Agent. In such case, the applicant shall apply to the Permit Agent thus designated for notice of decision.

*Section 29.*

A similar request for a change of Permit Agent may be made subsequently to the filing of the application. A request so made may be received by any Permit Agent but will not be granted without express authorization from the Secretary of State.

*Section 30.*

Permits to depart from the United States will be granted to applicants by or under the authority of the Secretary of State when it shall appear that there is reasonable necessity for such departure, and when upon investigation, such departure is deemed to be not prejudicial to the interests of the United States.

TITLE 7.

*Permits to Enter.*

*Section 31.*

Subject to the exceptions and limitations hereinbefore set forth no alien shall be allowed to enter the United States unless he bears a passport duly visaed in accordance with the terms of the Joint Order of the Department of State and the Department of Labor issued July 26, 1917. Said Joint Order and the amendments thereto and instructions issued thereunder are hereby confirmed and made part hereof by reference, so far as their provisions are not inconsistent with these rules and regulations or with the President's Proclamation of August 8, 1918. A copy of said Joint Order is inserted in the Appendix to these regulations.

*Section 32.*

In accordance with the provisions of the Presidential Proclamation of August 8, 1918, a visa will be granted only when it shall appear that there is reasonable necessity for entering the United States and when upon investigation such entry is deemed to be not prejudicial to the interests of the United States.

*Section 33.*

As a restriction additional to those provided by said Joint Order,

hostile aliens shall not enter the United States from Canada unless they either secure visas in the manner prescribed by the Joint Order, or secure permits in the manner prescribed by Title 2, Section 10, paragraph (b), of these regulations.

*Section 34.*

An alien's passport duly visaed together with a copy of the declaration required by said Joint Order shall constitute a permit to enter the United States within the meaning of the Act of May 22, 1918.

*Section 35.*

Diplomatic and consular officers of the United States are authorized to collect the following fees:

For visaing each foreign passport (not including passports of officials).....	\$1.00
For preparing visa declaration and administering oath .....	1.00
For certifying to a copy of a visa declaration previously taken .....	1.00

TITLE 8.

*Control at Point of Entry and Departure.*

*Section 36.*

The actual control of persons departing from the United States at all seaboard and lake ports shall be exercised by the representatives of the customs service of the Department of the Treasury, who shall act as control officers for this purpose. The actual control of persons departing from the United States by land and of all persons entering the United States shall be exercised by the representatives of the Bureau of Immigration of the Department of Labor, who shall act as control officers for this purpose. The Secretary of State may from time to time designate other persons to act as control officers at any place. In all cases where passports or/and permits to enter or depart are required under these regulations each traveller before entering or departing from the United States shall present his passport or/and permit to the Control Officer at the point of entry or departure. He shall also answer such questions and undergo such examination as the Control Officer shall direct. If, as the result of such questioning and examinations, the Control Officer decides that the entry or departure of the holder of the passport or permit would be prejudicial to the interests of the United States, such person shall not be allowed to enter or depart. Under such circumstances the Control Officer shall immediately notify the Secretary of State by telegraph of his decision and shall as soon as practicable, and in no case later than two days after such decision, forward to the Secretary

of State a full report giving the reasons for detention and a full transcript of any testimony or information bearing on such decision.

*Section 37.*

If the Control Officer shall be satisfied that the permit and passport are valid and regular and have been properly visaed and that the holder presenting them is the person described therein, that neither of them has been altered or tampered with, and that the holder's departure or entry is not prejudicial to the interests of the United States, he shall allow the holder to depart from or enter the United States.

*Section 38.*

In addition to the control as above set forth of persons generally required to secure permission to depart from or enter the United States, control may be exercised over individuals belonging to classes of persons generally allowed to depart or enter without permits or passports. A Control Officer may temporarily prevent the departure or entry of any such individual, in case he considers such departure or entry prejudicial to the interests of the United States. Such action shall be immediately reported to the Secretary of State with a full statement of the reasons therefor. An individual so prevented from departing or entering shall not be entitled to the benefit of any of the limitations or exceptions contained in Section 9 hereof and his departure or entry is forbidden unless, if an alien, he obtains permission from the Secretary of State, or, if a United States citizen, he obtains a valid passport.

TITLE 9.

*Additional Regulations.*

*Section 39.*

The Secretary of State is authorized to make regulations on the subject of departure from and entry into the United States additional to these rules and regulations and not inconsistent with them.

WOODROW WILSON.

THE WHITE HOUSE,  
8 August, 1918.

EXECUTIVE ORDER REVOKING POWER AND AUTHORITY IN DESIGNATED  
OFFICERS UNDER THE TRADING WITH THE ENEMY ACT.<sup>1</sup>

*April 11, 1918.*

By virtue of the power and authority vested in me by "An Act to define, regulate, and punish trading with the enemy and for other

<sup>1</sup> No. 2837.

purposes," approved October 6, 1917,<sup>1</sup> I hereby make the following orders and rules and regulations:

SECRETARY OF THE TREASURY.

I. I hereby revoke the authority and power vested in the Secretary of the Treasury by Section XI of the Executive Order of October 12, 1917,<sup>1</sup> to issue licenses to send, take or transmit out of the United States any letter or other writing, book, map, plan or other paper, picture, or any telegram, cablegram, or wireless message, or other form of communication intended for or to be delivered, directly or indirectly, to an enemy or ally of enemy, in any way relating to letters patent, or registration of trade-mark, print, label, or copyright, or to any applications therefor; and no such license shall be granted until further order.

FEDERAL TRADE COMMISSION.

II. I hereby revoke the power and authority vested in the Federal Trade Commission by Section XVII of the Executive Order of October 12, 1917, to issue licenses to any citizen of the United States or any corporation organized within the United States, to file or prosecute applications in the country of an enemy or ally of enemy for letters patent or for registration of trade-mark, print, label or copyright, and to pay any fees or agents' fees in connection therewith; or to pay to any enemy or ally of enemy any tax, annuity or fee in relation to patents, trade-marks, prints, labels and copyrights; and no such license shall be granted until further order.

WOODROW WILSON.

THE WHITE HOUSE,  
11 April, 1918.

AN ACT TO PUNISH THE WILFUL INJURY OR DESTRUCTION OF WAR MATERIAL, OR OF WAR PREMISES OR UTILITIES USED IN CONNECTION WITH WAR MATERIAL, AND FOR OTHER PURPOSES.<sup>2</sup>

*Approved April 20, 1918.*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the words "war material," as used herein, shall include arms, armament, ammunition, livestock, stores of clothing, food, foodstuffs, or fuel; and shall also include supplies, munitions, and all other articles of whatever description, and any part or ingredient thereof, intended for,*

<sup>1</sup> This SUPPLEMENT, January, 1918, pp. 27 and 51.

<sup>2</sup> Public—No. 135—65th Congress.

adapted to, or suitable for the use of the United States, or any associate nation, in connection with the conduct of the war.

The words "war premises," as used herein, shall include all buildings, grounds, mines, or other places wherein such war material is being produced, manufactured, repaired, stored, mined, extracted, distributed, loaded, unloaded, or transported, together with all machinery and appliances therein contained; and all forts, arsenals, navy yards, camps, prisons, or other military or naval stations of the United States, or any associate nation.

The words "war utilities," as used herein, shall include all railroads, railways, electric lines, roads of whatever description, railroad or railway fixture, canal, lock, dam, wharf, pier, dock, bridge, building, structure, engine, machine, mechanical contrivance, car, vehicle, boat, or aircraft, or any other means of transportation whatsoever, whereon or whereby such war material or any troops of the United States, or of any associate nation, are being or may be transported either within the limits of the United States or upon the high seas; and all dams, reservoirs, aqueducts, water and gas mains and pipes, structures and buildings, whereby or in connection with which water or gas is being furnished, or may be furnished, to any war premises or to the military or naval forces of the United States, or any associate nation, and all electric light and power, steam or pneumatic power, telephone and telegraph plants, poles, wires, and fixtures and wireless stations, and the buildings connected with the maintenance and operation thereof used to supply water, light, heat, power, or facilities of communication to any war premises or to the military or naval forces of the United States, or any associate nation.

The words "United States" shall include the Canal Zone and all territory and waters, continental and insular, subject to the jurisdiction of the United States.

The words "associate nation," as used in this Act, shall be deemed to mean any nation at war with any nation with which the United States is at war.

SEC. 2. That when the United States is at war, whoever, with intent to injure, interfere with, or obstruct the United States or any associate nation in preparing for or carrying on the war, or whoever, with reason to believe that his act may injure, interfere with, or obstruct the United States or any associate nation in preparing for or carrying on the war, shall wilfully injure or destroy, or shall attempt to so injure or destroy, any war material, war premises, or war utilities, as herein defined, shall, upon conviction thereof, be fined not more than \$10,000 or imprisoned not more than thirty years, or both.

SEC. 3. That when the United States is at war, whoever, with intent to injure, interfere with, or obstruct the United States or any associate nation in preparing for or carrying on the war, or whoever,



with reason to believe that his act may injure, interfere with, or obstruct the United States or any associate nation in preparing for or carrying on the war, shall wilfully make or cause to be made in a defective manner, or attempt to make or cause to be made in a defective manner, any war material, as herein defined, or any tool, implement, machine, utensil, or receptacle used or employed in making, producing, manufacturing, or repairing any such war material, as herein defined, shall, upon conviction thereof, be fined not more than \$10,000 or imprisoned not more than thirty years, or both.

PROCLAMATION DECLARING TERMS OF THE SHIPPING ACT AS AMENDED BY  
ACT OF JULY 15, 1918, TO BE IN FORCE.<sup>1</sup>

*August 7, 1918.*

WHEREAS, an Act of Congress, entitled "Shipping Act, 1916," approved September 7, 1916, as amended by an Act of Congress entitled "An Act To amend the Act approved September seventh, nineteen hundred and sixteen, entitled, 'An Act to establish a United States Shipping Board for the purpose of encouraging, developing, and creating a naval auxiliary and naval reserve and a merchant marine to meet the requirements of the commerce of the United States with its Territories and possessions and with foreign countries; to regulate carriers by water in the foreign and interstate commerce of the United States; and for other purposes,'" approved July 15, 1918, contains the following provisions:

Sec. 37. That when the United States is at war or during any national emergency, the existence of which is declared by proclamation of the President, it shall be unlawful, without first obtaining the approval of the board:

(a) To transfer to or place under any foreign registry or flag any vessel owned in whole or in part by any person a citizen of the United States or by a corporation organized under the laws of the United States, or of any State, Territory, District, or possession thereof; or

(b) To sell, mortgage, lease, charter, deliver, or in any manner transfer, or agree to sell, mortgage, lease, charter, deliver, or in any manner transfer, to any person not a citizen of the United States, (1) any such vessel or any interest therein, or (2) any vessel documented under the laws of the United States, or any interest therein, or (3) any shipyard, dry dock, ship-building or ship-repairing plant or facilities, or any interest therein; or

(c) To enter into any contract, agreement, or understanding to construct a vessel within the United States for or to be delivered to any person not a citizen of the United States, without expressly stipulating that such construction shall not begin until after the war or emergency proclaimed by the President has ended; or

(d) To make any agreement or effect any understanding whereby there is vested in or for the benefit of any person not a citizen of the United States, the controlling interest or a majority of the voting power in a corporation which is organized under the laws of the United States, or of any State, Territory, District,

<sup>1</sup> No. 1471.

or possession thereof, and which owns any vessel, shipyard, dry dock, or ship-building or ship-repairing plant or facilities; or

(e) To cause or procure any vessel constructed in whole or in part within the United States, which has never cleared for any foreign port, to depart from a port of the United States before it has been documented under the laws of the United States.

AND WHEREAS the destruction of maritime tonnage during the present war has rendered it imperative that the American merchant marine be retained under American control, and free from alien influence,

NOW, THEREFORE, I, WOODROW WILSON, President of the United States of America, acting under authority conferred in me by said Act, do hereby proclaim that a state of war and a national emergency within the meaning of said Act do now exist, and I do hereby enjoin all persons from doing any of the things in said Act declared to be unlawful.

For the purposes of said Act of Congress, the national emergency herein proclaimed shall be deemed to continue until its termination has been evidenced by a Proclamation of the President.

In Witness Whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE in the District of Columbia this 7th day of August, in the year of our Lord one thousand nine hundred and  
[SEAL.] eighteen and of the Independence of the United States of America the one hundred and forty-third.

WOODROW WILSON.

By the President:

FRANK L. POLK,  
*Acting Secretary of State.*

PROCLAMATION INCLUDING GERMANS AND AUSTRO-HUNGARIANS IN THE CUSTODY OF THE WAR DEPARTMENT WITHIN THE TERM "ENEMY" FOR THE PURPOSES OF THE TRADING WITH THE ENEMY ACT.<sup>1</sup>

*February 5, 1918.*

WHEREAS paragraph (c) of Section Two of the Act entitled "An Act To define, regulate, and punish trading with the enemy, and for other purposes," approved October 6, 1917, known as the Trading with the Enemy Act,<sup>2</sup> provides that the word "enemy" as used therein shall be deemed to mean, for the purposes of such trading and of said Act, in addition to the individuals, partnerships or other bodies of individuals or corporations specified in paragraph (a), and in addition to the Government and political or municipal subdivisions, officers, officials, agents or agencies thereof specified in paragraph (b), of said Section Two, the following:

<sup>1</sup> No. 1427.

<sup>2</sup> This SUPPLEMENT, January, 1918, p. 27.

Such other individuals, or body or class of individuals, as may be natives, citizens, or subjects of any nation with which the United States is at war, other than citizens of the United States, wherever resident or wherever doing business, as the President, if he shall find the safety of the United States or the successful prosecution of the war shall so require, may, by proclamation, include within the term "enemy;"

AND WHEREAS, under the provisions of and by virtue of the power and authority granted in Sections four thousand and sixty-seven, four thousand and sixty-eight, four thousand and sixty-nine, and four thousand and seventy, of the Revised Statutes, and in accordance with proclamations and regulations which have been or which may hereafter be made and established thereunder by the President of the United States, certain alien enemies have been, or may from time to time be, transferred after arrest into the custody of the War Department for detention during the war;

NOW, THEREFORE, I, WOODROW WILSON, President of the United States of America, pursuant to the authority vested in me, and in accordance with the provisions of the said Act of October 6, 1917, known as the Trading with the Enemy Act, do hereby find that the safety of the United States and the successful prosecution of the present war require that all natives, citizens or subjects of the German Empire or of the Austro-Hungarian Empire who, by virtue of the provisions of Sections four thousand and sixty-seven, four thousand and sixty-eight, four thousand and sixty-nine, and four thousand and seventy, of the Revised Statutes, and of the proclamations and regulations thereunder, have been heretofore or may be hereafter transferred after arrest into the custody of the War Department for detention during the war, shall be included within the meaning of the word "enemy" for the purposes of the Trading with the Enemy Act and of such trading; and I do hereby proclaim to all whom it may concern that every such alien enemy who is so transferred, after arrest, into the custody of the War Department for detention during the war, shall be and hereby is included within the meaning of the word "enemy" and shall be deemed to constitute an "enemy" for said purposes.

In Witness Whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE in the District of Columbia, this 5th day of February, in the year of our Lord one thousand nine hundred and  
[SEAL.] eighteen, and of independence of the United States the one hundred and forty-second.

WOODROW WILSON.

By the President:

FRANK L. POLK,  
*Acting Secretary of State.*

PROCLAMATION INCLUDING CERTAIN INDIVIDUALS, AND BODIES AND CLASSES OF INDIVIDUALS WITHIN THE TERM "ENEMY" FOR THE PURPOSES OF THE TRADING WITH THE ENEMY ACT.<sup>1</sup>

*August 14, 1918.*

WHEREAS, section 2 of the Act of Congress, entitled "An Act To define, regulate, and punish trading with the enemy, and for other purposes," approved October 6, 1917, known as the "Trading with the enemy Act,"<sup>2</sup> provides that the word "enemy" as used therein shall be deemed to mean for the purposes of such trading and of said Act:

Such other individuals, or body or class of individuals, as may be natives, citizens, or subjects of any nation with which the United States is at war, other than citizens of the United States, wherever resident or wherever doing business, as the President, if he shall find the safety of the United States or the successful prosecution of the war shall so require, may, by proclamation, include within the term "enemy;"

Now, Therefore, I, Woodrow Wilson, President of the United States of America, pursuant to the authority vested in me by said Act, and in accordance with the provisions thereof, do find hereby that the following named individuals, and bodies and classes of individuals, are natives, citizens, or subjects of a nation with which the United States is at war, and that the safety of the United States and the successful prosecution of the war require that said individuals, and bodies and classes of individuals, be included within the term "enemy", as used in said Act; and therefore I do include hereby within said term "enemy" as used in said Act, the following individuals, and bodies and classes of individuals, to wit:

(1) Wilhelm Forstner, heretofore one of the members of the partnership of F. Speidel Company, heretofore doing business in Providence, Rhode Island, and elsewhere;

(2) Karl Bunz, heretofore one of the officials of the Hamburg American Line, and now in the Federal penitentiary at Atlanta, Georgia.

In Witness Whereof, I have hereunto set my hand and caused the Seal of the United States to be affixed.

DONE in the District of Columbia, this 14th day of August, in the year of our Lord one thousand nine hundred and  
[SEAL.] eighteen, and of the independence of the United States the one hundred and forty-third.

WOODROW WILSON.

By the President:

ROBERT LANSING  
*Secretary of State.*

<sup>1</sup> No. 1477.

<sup>2</sup> This SUPPLEMENT, January, 1918, p. 27.

EXECUTIVE ORDER PRESCRIBING RULES REGARDING REPEALS, ALTERATIONS  
AND AMENDMENTS OF LOCAL LAWS AND EXPENDITURE OF DUTIES  
AND TAXES.<sup>1</sup>

*December 26, 1917.*

WHEREAS Section Two of the Act of Congress approved March 3, 1917, entitled "An Act to Provide for a Temporary Government of the Virgin Islands of the United States",<sup>2</sup> provides as follows:

That until Congress shall otherwise provide, in so far as compatible with the changed sovereignty and not in conflict with the provisions of this Act, the laws regulating elections and the electoral franchise as set forth in the code of laws published at Amalienborg the sixth of April, nineteen hundred and six, and the other local laws, in force and effect in said islands on the seventeenth day of January, nineteen hundred and seventeen, shall remain in force and effect in said islands, and the same shall be administered by the civil officials and through the local judicial tribunals established in said islands, respectively; and the orders, judgments, and decrees of said judicial tribunals shall be duly enforced. With the approval of the President, or under such rules and regulations as the President may prescribe, any of said laws may be repealed, altered, or amended by the colonial council having jurisdiction. The jurisdiction of the judicial tribunals of said islands shall extend to all judicial proceedings and controversies in said islands to which the United States or any citizen thereof may be a party. In all cases arising in the said West Indian Islands and now reviewable by the courts of Denmark, writs of error and appeals shall be to the Circuit Court of Appeals for the Third Circuit, and, except as provided in sections two hundred and thirty-nine and two hundred and forty of the Judicial Code the judgments, orders, and decrees of such court shall be final in all such cases;

And whereas Section Five of the said act of Congress provides as follows:

That the duties and taxes collected in pursuance of this Act shall not be covered into the general fund of the Treasury of the United States, but shall be used and expended for the government and benefit of said islands under such rules and regulations as the President may prescribe;

Now, Therefore, in virtue of the authority vested in me by the said Sections Two and Five of the said Act of Congress, [I] do hereby prescribe the following rules:

"Repeals, Alterations and Amendments of local laws of Virgin Islands of United States by Colonial Council having jurisdiction, shall be effective and enforced when, and to the extent, said Repeals, Alterations and Amendments are approved by the Governor of said islands, the Governor to state specifically in each case whether his approval is in whole or in part, and if in part only, what part is approved and what part not approved. The President reserves the right to disapprove and set aside any enactments of the Colonial

<sup>1</sup> No. 2777.

<sup>2</sup> This SUPPLEMENT, April, 1917. p. 96.

Council"; "The duties, less the cost of collection, and the taxes collected in the Virgin Islands of the United States, shall be expended for the government and benefit of said islands in accordance with the annual budget prepared and modified by the local laws; provided, that during this current fiscal year of said islands, in order to provide for the payments of those expenses of said islands formerly paid by Denmark and not provided for in said budgets, and to provide further for other necessary and unforeseen expenses of government, the Governor may authorize such additional expenditures from said funds as, in his discretion, may be necessary for the government and benefit of said islands during this current local fiscal year."

WOODROW WILSON.

THE WHITE HOUSE,  
26 December, 1917.



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